

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES

PASSED AT THE

THIRTY-SEVENTH SESSION OF THE LEGISLATURE

1907

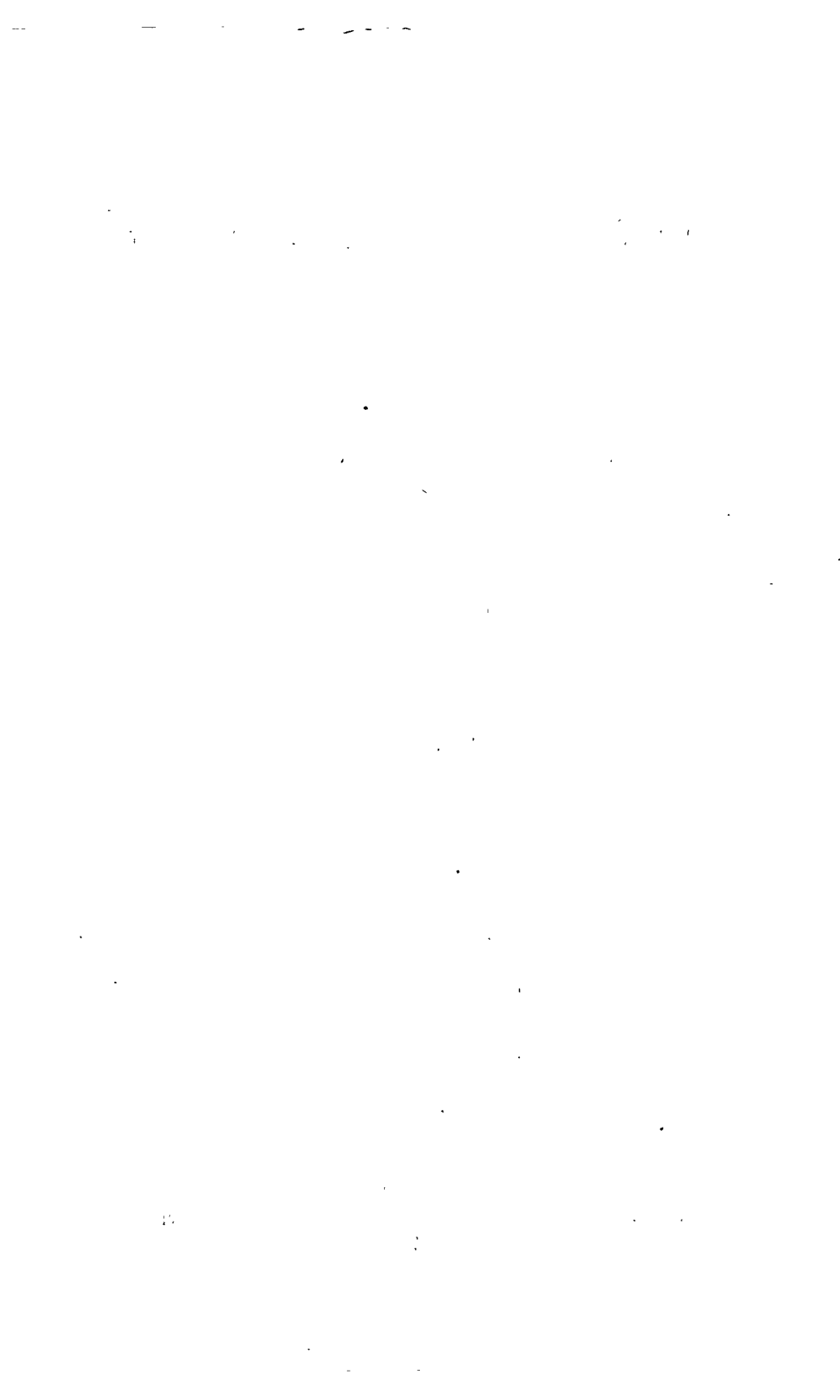
BEGAN ON MONDAY, JANUARY SEVENTH, AND ENDED ON TUESDAY, MARCH TWELFTH,
NINETEEN HUNDRED AND SEVEN



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1907.



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439	A. B. 350.	Stetson	804	506	S. B. 413.	Lynch	932
440	A. B. 351.	Stetson	805	507	A. B. 199.	Wyatt	933
441	A. B. 352.	Stetson	805	508	S. B. 103.	McCartney	934
442	A. B. 409.	Percival	806	509	S. B. 624.	Broughton	935
443	A. B. 875.	Com. on Mil. Affairs.	819	510	S. B. 815.	Caminetti	936

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512	A. B. 149.	Thompson of L. A.	940	527	A. B. 750.	Leeds	981
513	A. B. 366.	Drew	941	528	A. B. 887.	Beardslee	982
514	A. B. 283.	Wyatt	943	529	S. B. 382.	Willis	985
515	A. B. 543.	Com. on Education	946	530	S. B. 150.	Cartwright	984
516	A. B. 659.	Bishop	950	531	S. B. 761.	Savage	987
517	A. B. 676.	Devlin	950	532	S. B. 564.	Wolfe	988
518	A. B. 852.	Lynch	952	533	A. B. 279.	Wyatt	991
519	A. B. 1018.	Thompson of L. A.	957	534	A. B. 455.	Kelly	993
520	S. B. 348.	Rolley	971	535	A. B. 496.	Stetson	996
521	S. B. 581.	Belshaw	973	536	A. B. 102.	Drew	996
522	S. B. 643.	Carter	974	537	A. B. 552.	Coghlan	998
523	S. B. 750.	Lynch	977	538	S. B. 126.	Willis	999
524	A. B. 811.	Strobridge	978	539	A. B. 907.	Hammon	1000
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5	A. J. R. 2.	Baxter	1006	28	S. C. A. 32.	Wolfe	1358
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LIST OF OFFICERS.

NAMES AND RESIDENCES OF STATE OFFICERS, JUSTICES OF THE SUPREME COURT AND DISTRICT COURTS OF APPEAL, REPRESENTATIVES IN CONGRESS, SENATORS, MEMBERS OF THE ASSEMBLY, AND OFFICERS OF BOTH HOUSES, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

STATE OFFICERS.

Name.	Official Position.	Residence.
James N. Gillett.....	Governor.....	Eureka
Warren R. Porter.....	Lieutenant-Governor.....	Watsonville
Charles F. Curry.....	Secretary of State.....	San Francisco
A. B. Nye.....	Controller.....	Oakland
W. R. Williams.....	Treasurer.....	Fresno
U. S. Webb.....	Attorney-General.....	Quincy
W. S. Kingsbury.....	Surveyor-General.....	Los Angeles
Edward Hyatt.....	Superintendent of Public Instruction.....	Riverside
W. W. Shannon.....	Superintendent of State Printing.....	San Francisco
Frank L. Caughy.....	Clerk of Supreme Court.....	Ukiah
J. B. Lauck.....	Adjutant-General.....	Oakland
E. C. Cooper.....	Private Secretary to the Governor.....	Eureka
E. F. Mitchell.....	Executive Secretary to the Governor.....	Fresno
James L. Gillis.....	State Librarian.....	Sacramento

STATE BOARD OF EQUALIZATION.

Capitol, Sacramento.

Name.	District.	Residence.
James H. Scott.....	First.....	San Francisco
Alex. Brown (Pres.).....	Second.....	Milton
Richard E. Collins.....	Third.....	Redding
Jeff McElvaine.....	Fourth.....	San Bernardino
A. B. Nye.....	Ex officio.....	Oakland
T. M. Eby.....	Secretary.....	Sacramento

RAILROAD COMMISSIONERS.

Ferry Building, San Francisco.

Name.	District.	Residence.
A. C. Irwin (President).....	First.....	Marysville
Andrew M. Wilson.....	Second.....	San Francisco
Theodore Summerland.....	Third.....	Los Angeles
Judson C. Brusie.....	Secretary.....	San Francisco

SUPREME COURT.

Century Club Building, San Francisco.

Name.	Official Position.	Residence.
W. H. Beatty.....	Chief Justice.....	San Francisco
Frederick W. Henshaw.....	Associate Justice.....	Oakland
M. C. Sloss.....	Associate Justice.....	San Francisco
Thomas B. McFarland.....	Associate Justice.....	San Francisco
F. M. Angellotti.....	Associate Justice.....	San Rafael
Lucien Shaw.....	Associate Justice.....	Los Angeles
William G. Lorigan.....	Associate Justice.....	San José
Frank L. Caughey.....	Clerk.....	Ukiah

JUSTICES OF THE DISTRICT COURTS OF APPEAL.**FIRST APPELLATE DISTRICT.**

Century Club Building, San Francisco.

Name.	Official Position.	Residence.
J. A. Cooper.....	Presiding Justice.....	San Francisco
Samuel P. Hall.....	Justice.....	Oakland
Frank H. Kerrigan.....	Justice.....	San Francisco
P. J. Hayselden.....	Clerk.....	Oakland

SECOND APPELLATE DISTRICT.

Bullard Block, Los Angeles.

Matthew T. Allen.....	Presiding Justice.....	Los Angeles
Victor G. Shaw.....	Justice.....	San Diego
James W. Taggart.....	Justice.....	Santa Barbara
W. D. Shearer.....	Clerk.....	Los Angeles

THIRD APPELLATE DISTRICT.

Elks' Hall, Sacramento.

Norton P. Chipman.....	Presiding Justice.....	Red Bluff
Elijah C. Hart.....	Justice.....	Sacramento
Albert G. Burnett.....	Justice.....	Santa Rosa
G. H. Chase.....	Clerk.....	Red Bluff

REPRESENTATIVES IN CONGRESS.**SENATE.**

George C. Perkins.....	Oakland
Frank P. Flint.....	Los Angeles

HOUSE OF REPRESENTATIVES.

Name.	District.	Residence.
W. F. Englebright.....	First.....	Nevada City
Duncan E. McKinlay.....	Second.....	Santa Rosa
Joseph R. Knowland.....	Third.....	Alameda
Julius Kahn.....	Fourth.....	San Francisco
E. A. Hayes.....	Fifth.....	San José
J. C. Needham.....	Sixth.....	Modesto
James McLachlan.....	Seventh.....	Pasadena
S. C. Smith.....	Eighth.....	Bakersfield

SENATORS—THIRTY-SEVENTH SESSION, 1907.

WARREN R. PORTER, of Watsonville President
 EDWARD I. WOLFE, of San Francisco President pro tem.
 LEWIS A. HILBORN, of San Francisco Secretary
 J. LOUIS MARTIN, of Oakland Sergeant-at-Arms

Name.	Party.	Dist.	Postoffice Address.
Anderson, John N.	Republican	39	Santa Ana
Anthony, Marc	R., D. & U. L.	24	925 Golden Gate av., San Francisco
Bates, J. C.	Republican	14	2139 Buena Vista ave., Alameda
Bell, Charles W.	N. P. & D.	36	Pasadena
Belshaw, C. M.	Republican	9	Antioch
Black, Marshall	Republican	28	Palo Alto
Boynton, A. E.	Republican	6	Oroville
Broughton, Howard A.	Republican	35	San Francisco
Caminetti, A.	Democrat	10	Jackson
Carter, Henry E.	Republican	37	211½ W. Second st., Los Angeles
Cartwright, George W.	Democrat	26	Fresno
Curtin, J. B.	Democrat	12	Sonora
Greenwell, C. B.	Republican	33	Santa Barbara
Hartman, Gus	R. & U. L.	22	1245 Franklin st., San Francisco
Irish, J. B.	Republican	3	Colfax, Placer County
Keane, George B.	R. & U. L.	23	807 Octavia st., San Francisco
Kennedy, T. J.	Democrat	20	16 Ford st., San Francisco
Leavitt, F. W.	Republican	16	928 Linden st., Oakland
Lukens, G. R.	Republican	15	1362 Jackson st., Oakland
Lynch, Henry W.	Republican	31	Lynch Postoffice
Markey, F. A.	R. & U. L.	17	4620 Eighteenth st., San Francisco
Mattos, John G. Jr.	Republican	13	Centerville
McCarty, H. S. G.	Republican	38	934 W. Eighteenth st., Los Angeles
McKee, J. A.	Republican	7	2405 M st., Sacramento
Miller, E. O.	Democrat	32	Visalia
Muenter, A. E.	Republican	11	Stockton
Nelson, John H.	R. & U. L.	25	327 Chestnut st., San Francisco
Price, W. F.	Republican	8	Santa Rosa
Rambo, S. H.	Republican	29	Boulder Creek
Reily, D. J.	R. & U. L.	18	440 Fair Oaks st., San Francisco
Rolley, George T.	Republican	1	Eureka
Rush, Benj. F.	Republican	5	Suisun
Sanford, J. B.	Democrat	4	Ukiah
Savage, William H.	Republican	34	San Pedro
Walker, George S.	Republican	27	San José
Weed, A.	Republican	2	Dunsmuir
Welch, Richard J.	Republican	19	1033½ Shotwell st., San Francisco
Willis, Henry M.	Republican	30	San Bernardino
Wolfe, Edward I.	Republican	21	793 Ashbury st., San Francisco
Wright, Leroy A.	Republican	40	Keating Block, San Diego

MEMBERS OF THE ASSEMBLY—THIRTY-SEVENTH SESSION, 1907.

R. L. BEARDSLEE, of Stockton Speaker
 J. P. TRANSUE, of Los Angeles Speaker pro tem.
 Clio LLOYD, of Santa Barbara Chief Clerk
 J. T. STAFFORD, of Sacramento Sergeant-at-Arms

Name.	Party.	Dist.	Postoffice Address.
Barry, Dennis W.	R. & U. L.	37	406 Broderick st., San Francisco
Baxter, E. N.	Democrat	26	Wawona
Beardslee, R. L.	Republican	23	Stockton
Beban, Dominick J.	R. & U. L.	43	1315 Pacific street, San Francisco
Beckett, Samuel H.	R. & U. L.	38	1834 Golden Gate av., San Francisco
Bell, Robson O.	Republican	74	502½ N. Alameda st., Los Angeles
Berry, T. J. T.	Republican	1	Crescent City
Birdsall, E. S.	Republican	10	Auburn
Bishop, Clyde	Republican	77	Santa Ana
Boyle, Patrick J.	R. & U. L.	32	915A Illinois st., San Francisco

MEMBERS OF THE ASSEMBLY—Continued.

Name.	Party.	Dist.	Postoffice Address.
*Burke, J. J.	Republican	49	906 Broadway, Oakland
Bush, Frank W.	Republican	15	Napa
Butler, Edward I.	Republican	21	San Rafael
Campbell, P. C.	Republican	22	Richmond
Case, G. S.	Republican	67	Pasadena
Chandler, W. F.	Republican	60	Selma
Cogswell, Prescott F.	Republican	68	El Monte
Coghlan, Nathan C.	R. & D.	41	1763 Greenwich st., San Francisco
Collister, Stanley W.	Republican	13	Occidental
Cornish, N. A.	Republican	4	Alturas
Costar, W. J.	Republican	7	Chico
Cullen, John A.	R., D. & U. L.	29	940 Folsom street, San Francisco
Cutten, Charles P.	Republican	2	Eureka
Davis, J. O.	Democrat	58	Hollister
Devlin, Frank R.	Republican	20	Vallejo
Drew, A. M.	Republican	61	Fresno
Eshleman, John M.	R. & U. L.	52	Berkeley
Estudillo, Miguel	Republican	78	Riverside
Finney, J. W.	Republican	5	Downieville
Fisher, Charles M.	Republican	39	331 First avenue, San Francisco
Forbes, P. W.	Democrat	27	Independence
Fratessa, Paul F.	R. & U. L.	33	899 Berlin street, San Francisco
Hammon, P. V.	Republican	75	476 Custer avenue, Los Angeles
Hans, George J.	Republican	51	Fruitvale
Hartmann, F. Hugo	R. & U. L.	35	2665 Mission st., San Francisco
Held, W. D. L.	Republican	6	Ukiah
Hewitt, A. H.	Republican	8	Yuba City
Higgins, J. T.	Republican	55	Morgan Hill
John, Warren M.	Republican	63	San Luis Obispo
Johnson, Grove L.	Republican	17	720 H street, Sacramento
Johnson, Percy A.	Republican	80	Fallbrook
Jury, Richard H.	Republican	53	San Mateo
Kelly, Peter J.	R., D. & U. L.	28	6 Fremont place, San Francisco
Kohlman, Samuel T.	R. & U. L.	42	777 Ellis street, San Francisco
Leeds, W. R.	Republican	70	2642 Van Buren pl., Los Angeles
Lemon, W. F.	Republican	76	Colton
Lucas, H. C.	Republican	54	Santa Cruz
Ludington, W. F.	Republican	79	San Diego
Lynch, Edward J.	Republican	19	Walsh Station
McClellan, John W.	Republican	3	Bridgeville
McConnell, J. I.	Democrat	16	Woodland
McGuire, William L.	Republican	62	Hanford
McKeon, John	D. & Ind. L.	34	4225 Nineteenth st. San Francisco
McMullin, H. W.	Republican	66	Bakersfield
O'Brien, Frank J.	Republican	18	1529 Eighth street, Sacramento
Otis, Frank	Republican	47	1609 Santa Clara ave., Alameda
Percival, Arthur E.	Republican	24	Lodi
Pierce, F. E.	Republican	72	1351 Rich street, Los Angeles
Pyle, E. M.	Republican	64	Santa Barbara
Root, George W.	Republican	9	Grass Valley
Sackett, George L.	Republican	65	Ventura
Smith, Guy W.	Republican	56	Saratoga
Smyth, F. H.	Democrat	12	Middletown
Snyder, George F.	Republican	11	San Andreas
Spalding, C. C.	Republican	57	Sunnyvale
Stanton, P. A.	R. & D.	71	420 W. Thirty-first st., Los Angeles
Stetson, John W.	Republican	50	853 Lennox avenue, Oakland
Strohl, Louis	R. & U. L.	45	2191 Powell street, San Francisco
Strobridge, E. K.	Republican	46	Haywards
Thompson, Henry	R. & U. L.	40	2541 Sutter street, San Francisco
Thompson, N. W.	Republican	69	Alhambra
Toomey, Daniel J.	R. & U. L.	31	1101 Kentucky st., San Francisco
Transue, J. P.	Republican	73	1233 Trenton street, Los Angeles
Vogel, Mel.	R., D. & U. L.	44	1007 Clay street, San Francisco
Walsh, Philip M.	Republican	48	1067 Tenth street, Oakland
Weske, H. W. A.	Republican	14	Santa Rosa
Wessling, John	Ind. League	36	San Francisco
Whitmore, R. K.	Republican	25	Modesto
Wilson, James A.	R. & U. L.	30	1307 Howard st., San Francisco
Wyatt, J. J.	Republican	59	Salinas

* Died January 19.

COMMISSIONERS OF DEEDS.

Name.	Residence.	Term Expires.
Connecticut.		
Livingston W. Cleaveland.....	New Haven.....	Aug. 19, 1907
District of Columbia.		
John E. Mitchell.....	Washington.....	April 16, 1908
Charles S. Bundy.....	Washington.....	Dec. 8, 1910
Anson S. Taylor.....	Washington.....	Feb. 16, 1911
Illinois.		
S. S. Willard.....	Chicago.....	Jan. 17, 1911
Iowa.		
Addie M. Shaff.....	Iowa City.....	May 31, 1910
Kentucky.		
Newton G. Rogers.....	Louisville.....	Jan. 16, 1911
Louisiana.		
John G. Eustis.....	New Orleans.....	Feb. 16, 1911
Maine.		
George F. McQuillan.....	Portland.....	April 19, 1908
Maryland.		
Abraham H. Fisher.....	Baltimore.....	Aug. 8, 1910
Harry C. Mathiew.....	Baltimore.....	Sept. 6, 1910
Massachusetts.		
Sanborn Gove Tenney.....	Williamstown.....	May 21, 1907
Edward J. Jones.....	Boston.....	Feb. 9, 1908
Charles Hall Adams.....	Boston.....	Jan. 17, 1911
Missouri.		
Harold Johnson.....	St. Louis.....	April 28, 1907
New Jersey.		
James J. Teeling.....	Newark.....	May 10, 1910
New York.		
Frank J. Griffen.....	New York City.....	June 1, 1907
Alfred Mackay.....	New York City.....	Sept. 8, 1907
George H. Corey.....	New York City.....	Nov. 27, 1907
Charles Edgar Mills.....	New York City.....	Dec. 11, 1907
William Johnson.....	Buffalo.....	Nov. 9, 1908
William Shillaber.....	New York City.....	Jan. 23, 1909
Ella F. Braman.....	New York City.....	April 29, 1909
Edwin F. Corey.....	New York City.....	Oct. 28, 1909
Samuel B. Goodale.....	New York City.....	Jan. 4, 1910
William F. Lett.....	New York City.....	Feb. 23, 1911
Joseph B. Braman.....	New York City.....	Feb. 23, 1911
Ohio.		
Joseph T. Harrison.....	Cincinnati.....	Jan. 17, 1911
Oregon.		
A. P. Tift.....	Portland.....	Aug. 15, 1910

COMMISSIONERS OF DEEDS—Continued.

Name.	Residence.	Term Expires.
Pennsylvania.		
Walter Morris	Pittsburg	Aug. 19, 1907
Thomas J. Hunt	Philadelphia	Nov. 17, 1907
Edgar S. Mayne	Philadelphia	April 3, 1909
Fergus F. MacWilkie	Philadelphia	May 22, 1909
William Henry Paul	Philadelphia	Jan. 25, 1910
Francis E. Fairman	Pittsburg	Mar. 1, 1910
John S. Wurts	Philadelphia	May 15, 1910
Kinley J. Tener	Philadelphia	April 1, 1911
Rhode Island.		
Gilman E. Jopp	Providence	Nov. 17, 1907
Clark Burdick	Newport	Nov. 9, 1909
Washington.		
Oscar G. Heaton	Seattle	April 11, 1908
Samuel S. Carlisle	Seattle	Sept. 13, 1909
Great Britain.		
Michael Joseph Horgan	City of Cork, Ireland	May 14, 1907
Allan E. Messer	London, England	Jan. 27, 1908
Sydney H. Peddar	London, England	Feb. 25, 1908
William Negus	London, England	Mar. 18, 1908
Lucus D. Gray	Ballabay, Ireland	Sept. 27, 1909
Robert W. Hamilton	Dowra, Ireland	Nov. 6, 1909
T. Cato Worsfold	London, England	June 7, 1910
George McIldowie, Jr.	Belfast, Ireland	Feb. 5, 1911
Mexico.		
W. J. De Gress	City of Mexico	Sept. 1, 1909
William H. Sinclair	City of Mexico	April 3, 1910
France.		
Frederick B. Harlow	Paris	Jan. 25, 1910
Australia.		
Frank Osborne	Sidney	July 26, 1908
Francis G. Clark	Sidney	Mar. 28, 1911
Germany.		
Dr. Max Adler	Strassburg	Aug. 3, 1910
Hawaii.		
J. M. Monsarrat	Honolulu	April 7, 1908
Benj. L. Marx	Honolulu	May 17, 1908
George A. Davis	Honolulu	June 24, 1908
J. S. Walker	Honolulu	July 11, 1909
William Savidge	Honolulu	Jan. 10, 1910
John Guild	Honolulu	Dec. 14, 1910

CONSTITUTION OF THE STATE OF CALIFORNIA.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law.

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

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

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

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

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

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

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

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

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

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

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his name, shall

ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [*Amendment adopted November 6, 1894.*]

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

SEC. 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties at elections known and designated as primary elections. Also to determine the tests and conditions upon which electors, political parties, or organizations of voters, may participate in any such primary election, which tests or conditions may be different from the tests and conditions required and permitted at other elections authorized by law; or the Legislature may delegate the power to determine such tests or conditions, at primary elections, to the various political parties participating therein. It shall also be lawful for the Legislature to prescribe that any such primary election law shall be obligatory and mandatory in any city, or any city and county, or in any county, or in any political subdivision, of a designated population, and that such law shall be optional in any city, city and county, county, or political subdivision of a lesser population, and for such purpose such law may declare the population of any city, city and county, county, or political subdivision, and may also provide what, if any, compensation primary election officers in defined places or political subdivisions may receive, without making compensation either general or uniform. [*Amendment adopted November 6, 1900.*]

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

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

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

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

ARTICLE III.

DISTRIBUTION OF POWERS.

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

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year eighteen hundred and eighty shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than sixty days, except for the first session after the adoption of this Constitution, for which they may be allowed pay for one hundred days. And no bill shall be introduced in either house after the expiration of ninety days from the commencement of the first session, nor after fifty days after the commencement of each succeeding session, without the consent of two thirds of the members thereof.

SEC. 3. Members of the Assembly shall be elected in the year eighteen hundred

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Chief Justice and Associate Justices of the Supreme Court, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

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

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

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

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have at any time the right to inquire into the management of such institution; *provided further*, that whenever any county, or city and county, or city, or town shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 23. The members of the Legislature shall receive for their services a per diem and mileage, to be fixed by law, and paid out of the public treasury: such per diem shall not exceed eight dollars, and such mileage shall not exceed ten

cents per mile, and for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either house shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

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

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

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

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of courts of justice.

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

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

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

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

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

Tenth—For the assessment or collection of taxes.

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

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

Thirteenth—Extending the time for the collection of taxes.

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

Fifteenth—Refunding money paid into the State treasury.

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

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

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

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

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

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

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

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

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

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

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

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

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

Thirtieth—Changing the law of descent or succession.

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

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

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

Sec. 25½. The Legislature may provide for the division of the State into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts. [*New section; adopted November 4, 1902.*]

Sec. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association, on margin, or to be delivered at a future day, shall be void, and any money paid on

such contracts may be recovered by the party paying it by suit in any court of competent jurisdiction.

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

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

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

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

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

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

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

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

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

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

Sec. 34. The Legislature shall have power to establish a system of State highways or to declare any road a State highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. [*New section; adopted November 4, 1902.*]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

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

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

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

Sec. 5. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

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

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

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

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

Sec. 10. He shall communicate, by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

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

Sec. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

Sec. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

Sec. 14. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Sec. 15. A Lieutenant-Governor shall be elected at the same time and place, and in the same manner, as the Governor, and his term of office and his qualifications shall be the same. He shall be President of the Senate, but shall only have a casting vote therein. [*Amendment adopted November 8, 1898.*]

Sec. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. And should the Lieutenant-Governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the

State, the President pro tempore of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and neither the Lieutenant-Governor nor the President pro tempore of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly, until the office of Governor shall be filled at such general election. [*Amendment adopted November 8, 1898.*]

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor; and their terms of office shall be the same as that of the Governor.

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

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times, during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, three 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, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

SEC. 20. The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county. [*Amendment adopted November 8, 1904.*]

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the court in bank. The presence of three justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the

period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the court in bank at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in bank; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the court, in bank or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the Chief Justice from the place at which the court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

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

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

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

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

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

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

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

The District Courts of Appeal shall have appellate jurisdiction on appeal from the Superior Courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in Justices' Courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of man-

damus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the Supreme Court); also, on questions of law alone, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the Supreme Court which shall be ordered by the Supreme Court to be transferred to a District Court of Appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the District Court of Appeal of his district, or before any Superior Court within his district, or before any judge thereof.

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

The Supreme Court shall have power to order causes pending before a District Court of Appeal for one district to be transferred to the District Court of Appeal of another district for hearing and decision.

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

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

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the Justices of a District Court of Appeal to act pro tempore in the place of the justice so disqualified or unable to act.

Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Supreme Court may appoint a Justice of the District Court of Appeal of another district, or a Judge of a Superior Court who has not acted in the cause in the court below, to act pro tempore in the place of the justice so disqualified or unable to act.

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

All statutes now in force allowing, providing for, or regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The Supreme Court shall make and adopt rules not inconsistent with law for the government of the Supreme Court and of the District Courts of Appeal and of the officers thereof, and for regulating the practice in said courts. [*Amendment adopted November 8, 1904.*]

SEC. 5. The Superior Court shall have original jurisdiction in all cases in

equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for. And said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

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

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

SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

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

SEC. 10. Justices of the Supreme Court, and of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the

party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal. [*Amendment adopted November 8, 1904.*]

SEC. 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; *provided*, such powers shall not, in any case, trench upon the jurisdiction of the several courts of record, except that said justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

SEC. 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record. [*Amendment adopted November 8, 1904.*]

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

SEC. 14. The Legislature shall provide for the election of a Clerk of the Supreme Court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The County Clerks shall be ex-officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court and of the District Courts of Appeal as the Supreme Court may deem expedient, and all opinions shall be free for publication by any person. [*Amendment adopted November 8, 1904.*]

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

SEC. 18. The Justices of the Supreme Court, and of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected. [*Amendment adopted November 8, 1904.*]

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

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

SEC. 21. The Supreme Court may appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed. [*Amendment adopted November 8, 1904.*]

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

SEC. 23. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State. [*Amendment adopted November 8, 1904.*]

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

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

ARTICLE VII.

PARDONING POWER.

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

ARTICLE VIII.

MILITIA.

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

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

ARTICLE IX.

EDUCATION.

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

SEC. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

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

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

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

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

SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of primary and grammar schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of high schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. [*Amendment adopted November 4, 1902.*]

SEC. 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professor of pedagogy therein, and the principals of the State normal schools shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt, a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Amendment adopted November 6, 1894.*]

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

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

SEC. 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An Act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the

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

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

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

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

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

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

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

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

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

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

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

ARTICLE XI.

COUNTIES, CITIES, AND TOWNS.

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

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

SEC. 3. The Legislature, by general and uniform laws, may provide for the formation of new counties; *provided, however*, that no new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken. [*Amendment adopted November 6, 1894.*]

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

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession.

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

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

SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution, (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law

thereof, and supersede any existing charter, (whether framed under the provisions of this section of the Constitution or not,) and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Amendment adopted November 6, 1906.*]

SEC. 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

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

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

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

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

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article eleven, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies. [*Amendment adopted November 3, 1896.*]

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

SEC. 10. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

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

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

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

SEC. 13½. Nothing in this Constitution contained shall be construed as prohibiting the State or any county, city and county, city, town, municipality, or other public corporation, issuing bonds under the laws of the State, to make said bonds payable at any place within the United States designated in said bonds. [*New section; adopted November 6, 1906.*]

SEC. 14. No State office shall be continued or created in any county, city, town,

or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

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

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

SEC. 16½. All moneys belonging to the State, or to any county or municipality within this State, may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality or school district within this State, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited, *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks, *and provided further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits. [*New section; adopted November 6, 1906.*]

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

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

Section 18 amended by adding the following, adopted November 6, 1906:

The City and County of San Francisco, the City of San José and the Town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred, by it, to commence at a time after the incurring of such indebtedness of not more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void.

SEC. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gas-light or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [*Amendment adopted November 4, 1884.*]

ARTICLE XII.

CORPORATIONS.

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

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

SEC. 3. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association during the term of office of such director or trustee.

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

SEC. 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

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

SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter, of any corporation now existing, or which shall hereafter exist, under the laws of this State.

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

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

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

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

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

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

SEC. 14. Every corporation, other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest

therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them, respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

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

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

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

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

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

SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.

SEC. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employé; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as courts of record, and enforce their decisions and correct abuses through the medium of the courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars

for each offense; and every officer, agent, or employé of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said Commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each house, to remove any one or more of said Commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said Commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

SEC. 23. Until the Legislature shall district the State, the following shall be the railroad districts: The First District shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected. The Second District shall be composed of the counties of Marin, San Francisco, and San Mateo, from which one Railroad Commissioner shall be elected. The Third District shall be composed of the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

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

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. [*Amendment adopted November 6, 1894.*]

SEC. 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation. [*New section; adopted November 6, 1900.*]

SEC. 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said State, shall be free and exempt from taxation. [*New section; adopted November 4, 1902.*]

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

SEC. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

SEC. 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property

affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof; in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

SEC. 5. [*Repealed; adopted November 6, 1906.*]

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

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

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

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

SEC. 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts.

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

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

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

SEC. 12¾. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation. [*New section; adopted November 6, 1894.*]

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

ARTICLE XIV.

WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or City and County, or City, or Town Council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town, where the same are collected, for the public use.

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

ARTICLE XV.

HARBOR FRONTAGE, ETC.

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

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

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

ARTICLE XVI.

STATE INDEBTEDNESS.

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

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

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

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

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

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution.

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

ARTICLE XIX.

CHINESE.

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

SEC. 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this Constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

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

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature

shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

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

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

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

"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 _____ according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

SEC. 4. All officers or commissioners whose election or appointment is not provided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 5. The fiscal year shall commence on the first day of July.

SEC. 6. Suits may be brought against the State in such manner and in such courts as shall be directed by law.

SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 8. All property, real and personal, owned by either husband or wife, before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

SEC. 15. Mechanics, materialmen, artisans, and laborers of every class shall have a lien upon the property upon which they have bestowed labor or furnished material, for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however*, that in the case

of any officer or employé of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employé shall control. [*Amendment adopted November 6, 1906.*]

SEC. 17. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work and prescribe proper penalties for the speedy and efficient enforcement of said law. [*Amendment adopted November 4, 1902.*]

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the convention framing this Constitution, including the per diem of the delegates for the full term thereof.

SEC. 20. Elections of the officers provided for by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

ARTICLE XXI.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

ARTICLE XXII.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments to the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

SEC. 3. All courts now existing, save Justices' and Police Courts, are hereby abolished; and all records, books, papers, and proceedings from such courts, as are abolished by this Constitution, shall be transferred, on the first day of January, eighteen hundred and eighty, to the courts provided for in this Constitution; and the courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

SEC. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the State printing office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post office address of each registered voter; *provided*, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

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

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

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

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

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

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

the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

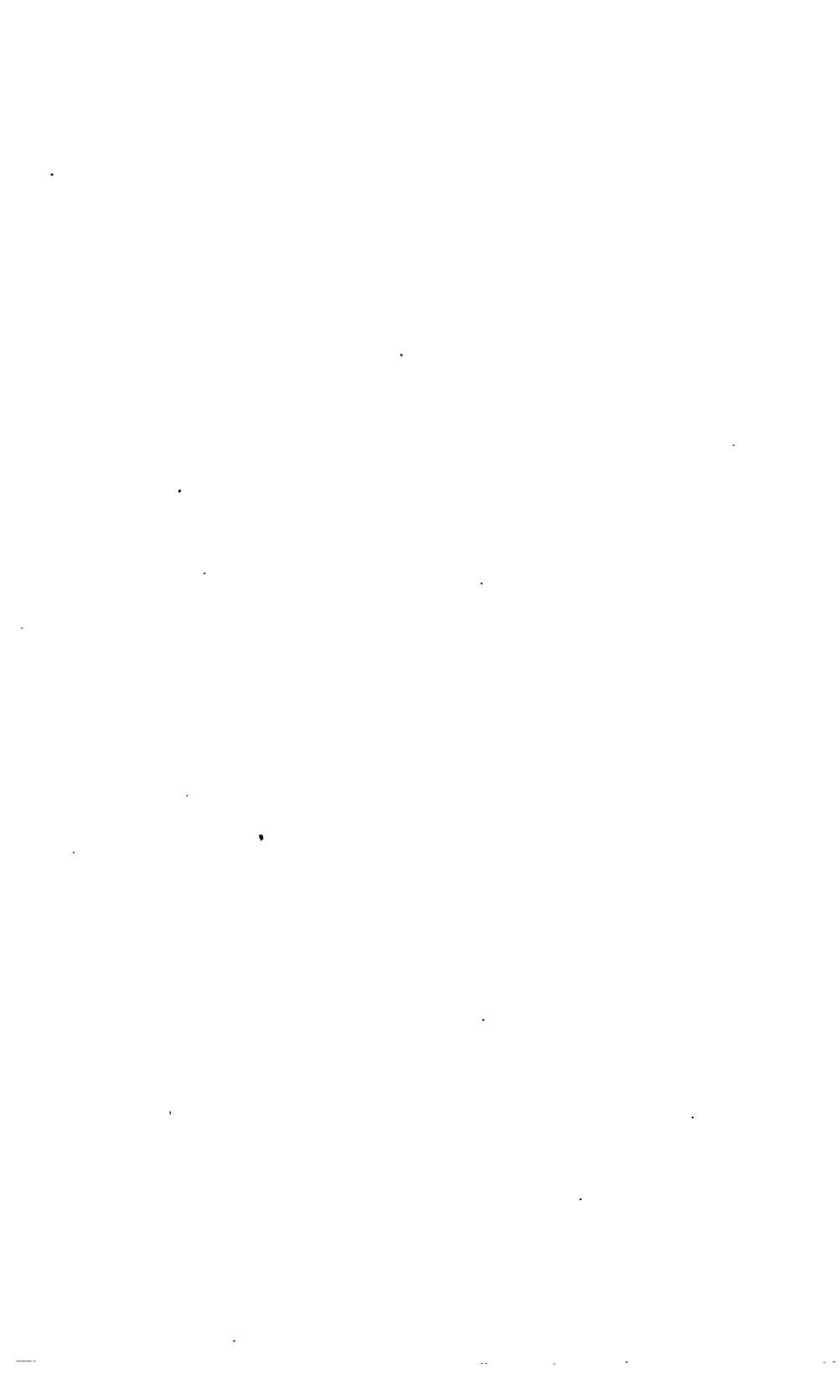
Sec. 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

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

Attest: EDWIN F. SMITH, Secretary.

J. P. HOGE, President.

A. R. ANDREWS,	D. W. HERRINGTON,	WILLIAM H. PROUTY,
JAMES J. AYERS,	S. G. HILBORN,	M. R. C. PULLIAM,
CLITUS BARBOUR,	J. R. W. HITCHCOCK,	CHAS. F. REED,
EDWARD BARRY,	J. E. HALE,	PATRICK REDDY,
JAMES N. BARTON,	VOLNEY E. HOWARD,	JOHN M. RHODES,
C. J. BEERSTECHER,	SAM. A. HOLMES,	JAS. S. REYNOLDS,
ISAAC S. BELCHER,	W. J. HOWARD,	HORACE C. ROLFE,
PETER BELL,	WM. P. HUGHEY,	CHAS. S. RINGOLD,
MARION BIGGS,	W. F. HUESTIS,	JAMES McM. SHAFER,
E. T. BLACKMER,	G. W. HUNTER,	GEO. W. SCHELL,
JOSEPH C. BROWN,	DANIEL INMAN,	J. SCHOMP,
SAM'L B. BURT,	GEORGE A. JOHNSON,	RUFUS SHOEMAKER,
JOSIAH BOUCHER,	L. F. JONES,	E. O. SMITH,
JAMES CAPLES,	PETER J. JOYCE,	BENJ. SHURTLEFF,
AUG. H. CHAPMAN,	J. M. KELLY,	GEO. VENABLE SMITH,
J. M. CHARLES,	JAMES H. KEYES,	H. W. SMITH,
JOHN D. CONDON,	JOHN J. KENNEY,	JOHN C. STEDMAN,
C. W. CROSS,	C. R. KLEINE,	E. P. SOULE,
HAMLET DAVIS,	T. H. LAINE,	D. C. STEVENSON,
JAS. E. DEAN,	HENRY LARKIN,	GEO. STEELE,
P. T. DOWLING,	R. M. LAMPSON,	CHAS. V. STUART,
LUKE D. DOYLE,	R. LAVIGNE,	W. J. SWEASEY,
W. L. DUDLEY,	H. M. LA RUE,	CHARLES SWENSON,
JONATHAN M. DUDLEY,	DAVID LEWIS,	R. S. SWING,
PRESLEY DUNLAP,	J. F. LINDOW,	D. S. TERRY,
JOHN EAGON,	JNO. MANSFIELD,	S. B. THOMPSON,
THOMAS H. ESTEY,	EDWARD MARTIN,	F. O. TOWNSEND,
HENRY EDGERTON,	J. WEST MARTIN,	W. J. TINNIN,
M. A. ESTEE,	RUSH McCOMAS,	DANIEL TUTTLE,
EDWARD EVEY,	JOHN G. McCALLUM,	P. B. TULLY,
J. A. FILCHER,	THOMAS McCONNELL,	H. K. TURNER,
SIMON J. FARRELL,	JOHN McCOY,	A. P. VACQUEREL,
ABRAHAM C. FREEMAN,	THOS. B. McFARLAND,	WALTER VAN DYKE,
JACOB R. FREUD,	HIRAM MILLS,	WM. VAN VOORHIES,
J. B. GARVEY,	WM. S. MOFFATT,	HUGH WALKER,
B. B. GLASCOCK,	JOHN F. McNUTT,	JOHN WALKER,
JOSEPH C. GORMAN,	W. W. MORELAND,	BYRON WATERS,
W. P. GRACE,	L. D. MORSE,	JOSEPH R. WELLER,
WILLIAM J. GRAVES,	JAMES E. MURPHY,	J. V. WEBSTER,
V. A. GREGG,	EDMUND NASON,	JOHN P. WEST,
JNO. S. HAGER,	THORWALD K. NELSON,	PATRICK M. WELLIN,
JOHN B. HALL,	HENRY NEUNABER,	JOHN T. WICKES,
THOMAS HARRISON,	CHS. C. O'DONNELL,	WM. F. WHITE,
JOEL A. HARVEY,	GEORGE OHLEYER,	H. C. WILSON,
T. D. HEISKELL,	JAMES O'SULLIVAN,	JOS. W. WINANS,
CONRAD HEROLD,	JAMES M. PORTER,	N. G. WYATT.



STATUTES OF CALIFORNIA

PASSED AT THE

THIRTY-SEVENTH SESSION OF THE LEGISLATURE.

CHAPTER 1.

An act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-seventh session of the legislature and directing the state controller and state treasurer to make such transfer.

[Approved January 21, 1907]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifty thousand dollars (\$50,000.00) is hereby transferred from the general fund to the state printing fund, to defray the printing expenses of the thirty-seventh session of the legislature.

Transfer from general fund to pay for legislative printing.

SEC. 2. The state controller and state treasurer are hereby directed to make said transfer in conformity with section one of this act.

SEC. 3. This act shall take effect immediately.

CHAPTER 2.

An act making an appropriation to pay for furnishing, cleaning, repairing, renovating and improving the governor's residence.

[Approved February 7, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of eight thousand five hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for furnishing, repairing, cleaning, renovating and improving the governor's residence. The state

To pay for furnishing governor's residence.

controller is hereby authorized and directed to draw warrants in favor of the governor for the amount above appropriated and the treasurer is hereby authorized and directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 3.

An act authorizing the city of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the regents of the University of California for the purposes of a biological station.

[Approved February 7, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Council
authorized
to convey
La Jolla
Park
to regents
of Uni-
versity.

Excep-
tions

Premises
to be used
only as
biological
station.

Public
entitled
to use
of park.

SECTION 1. The common council of the city of San Diego, California, is hereby authorized and empowered to convey, or cause to be conveyed, by the mayor of said city and the board of park commissioners thereof, to the regents of the University of California in trust, for the use of said university, as a biological station, those certain lands and premises situated in the said city of San Diego, county of San Diego, and state aforesaid, and particularly known and designated as "La Jolla Park 58" and containing about five acres, according to the plat of La Jolla Park filed in the office of the county recorder of San Diego county aforesaid March 22nd, 1887; excepting from the said premises to be conveyed a tract of land, being a parallelogram one hundred by one hundred and fifty feet, situated in the northeast end of said "La Jolla Park 58" and abutting 150 feet on Grand avenue and extending 100 feet along the ocean shore, and being the premises on which a bath-house is now situated. *Provided*, that the premises to be conveyed shall be used only as a biological station; and at any time they shall no longer be actually used for the purpose last aforesaid, they shall at once revert to the city of San Diego as a public park, and all right of the said regents or University of California, by virtue of any such conveyance, shall thereupon at once cease. *And provided further*, that the public shall notwithstanding any such conveyance, still be entitled to the use of said premises as a public park, excepting so far as such last mentioned use is inconsistent with their use as a biological station; that no building or buildings other than those necessary and useful for the biological station and its appurtenances shall be placed on said premises.

This act shall take effect immediately.

CHAPTER 4.

An act to amend an act entitled "An act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School,'" approved March 23rd, 1893, by adding one new section thereto, to be numbered section 31, relating to the transfer of boys from state prisons thereto, and of the powers and duties of certain public officers in connection therewith.

[Approved February 7, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to said act, which section shall be numbered 31. and shall read as follows: Boys
may be
transferred
from state
prison.

Section 31. Any boy under the age of eighteen years, who is undergoing sentence in any state prison in this state (except such as are undergoing a life sentence), and who shall be deemed a fit subject for training in the said school, may, upon recommendation of the state board of prison directors, with the approval of the governor, be transferred to said school for the unexpired period of his sentence, and when honorably discharged from said school, as hereinbefore provided, shall be entitled to such benefits and immunities as are provided for the other inmates of the institution.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 5.

An act making an appropriation to pay the contingent expenses of the assembly, thirty-seventh session.

[Approved February 7, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated to pay contingent expenses of the assembly, thirty-seventh session. To pay
contingent
expenses
of
assembly.

SEC. 2. This act shall take effect immediately.

CHAPTER 6.

An act amending sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

[Approved February 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1715 of the Political Code of the State of California is hereby amended so as to read as follows:

Control
and
location of
library.

1715. Libraries are under the control of the board of trustees or city board of education. The library shall be made as accessible as possible and every encouragement offered to induce the reading of books by the pupils and residents of the districts. Wherever practicable it shall be accessible during vacation and non-school days. When a school district is constituted in whole or in part by a municipality maintaining a free public library, the school district library may be kept with such public library, under such rules as may be agreed upon by the school officials and the officials having charge of the public library.

SEC. 2. Section 1716 of the Political Code of the State of California is hereby amended so as to read as follows:

Who may
usc.

1716. The library shall be free to all pupils of suitable age belonging to the school and to the members of all families residing in the district, *provided* that every borrower of books other than a pupil shall furnish a guarantee to properly care for and return all books borrowed and to pay all fines that may be imposed for a violation of the rules governing the library. Librarians shall see that the books of the library are properly cataloged, indexed and classified.

Guaranteed.

CHAPTER 7.

An act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the clerk of the supreme court, for the fifty-seventh and fifty-eighth fiscal years.

[Approved February 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Clerk of
supreme
court,
postage
and
contingent
expenses.

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage and contingent expenses of the clerk of the

supreme court for the fifty-seventh and fifty-eighth fiscal years, the same having been approved by the state board of examiners.

SEC. 2. The state controller is hereby authorized to draw his warrant for the amount herein specified, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 8.

An act appropriating money to pay the rental, cost of moving and other necessary expenses incurred and to be incurred by the different state officers who were forced to find temporary quarters during the present repair work to the state capitol building.

[Approved February 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the rental, cost of moving and other necessary expenses incurred and to be incurred by the different state officers who were forced to find temporary quarters during the present repair work to the state capitol building. All claims presented against this appropriation shall be for such expenses as shall have been incurred on the approval of the state board of examiners.

State
officers,
rental for
temporary
quarters.

SEC. 2. The state controller is hereby directed to draw his warrant upon proper demands audited by the state board of examiners, to the amount of money appropriated by section 1 of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 9.

An act appropriating money for the use of the state dairy bureau for the remainder of the 58th fiscal year, the expenditure of which has been approved by the state board of examiners.

[Approved February 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

State dairy
bureau,
deficiency.

SECTION 1. The sum of eleven hundred and thirty-five and sixty one-hundredths dollars (\$1,135.60) or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated for the use of the state dairy bureau for the remainder of the 58th fiscal year, the expenditure of which has been approved by the state board of examiners.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the state dairy bureau to the amount appropriated by section 1 of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 10.

An act appropriating money to pay the deficiency, allowed by the state board of examiners in the appropriation made by "An act to appropriate money to protect the banks of Eel river from erosion by means of jetty work along the banks thereof, approved March 22, 1905.

[Approved February 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Protection
of banks of
Eel river,
deficiency.

SECTION 1. The sum of six hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the deficiency allowed by the state board of examiners in the appropriation made by "An act to appropriate money to protect the banks of Eel river from erosion by means of jetty work along the banks thereof, approved March 22, 1905."

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the state commissioner of highways for the amount hereby appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 11.

An act making an appropriation for the contingent expenses of the bureau of labor statistics for the remainder of the 58th fiscal year.

[Approved February 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of seven hundred and fifty 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 contingent expenses of the bureau of labor statistics for the remainder of the 58th fiscal year. Bureau of labor statistics, contingent expenses.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the labor commissioner for the amount herein appropriated and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 12.

An act making an appropriation to pay the deficiency in the contingent appropriation of the governor's office for the 57th and 58th fiscal years.

[Approved February 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of eight hundred dollars (\$800.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the contingent appropriation of the governor's office for the 57th and 58th fiscal years. Governor's office, deficiency in contingent expense fund.

SEC. 2. The state controller is hereby directed to draw his warrant upon proper demands audited by the state board of examiners for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 13.

An act making an appropriation to pay the deficiency in the appropriation for postage, expressage and telegraphing, controller's office for the 58th fiscal year.

[Approved February 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Controller,
deficiency
for
postage,
etc.

SECTION 1. The sum of two hundred dollars (\$200.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for postage, expressage and telegraphing, controller's office, for the 58th fiscal year.

SEC. 2. The state controller is hereby directed to draw his warrant upon proper demands audited by the state board of examiners for the amount appropriated herein, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 14.

An act entitled an act to amend section 1669 of the Political Code, relating to the establishment of high schools.

[Approved February 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

High
school
districts.

SECTION 1. Section 1669 of the Political Code is hereby amended to read as follows:

1669. High school districts may be established and maintained with one or more high schools in the manner provided in sections one thousand six hundred and seventy and one thousand six hundred and seventy-one of the Political Code.

CHAPTER 15.

An act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in the Bay of San Diego, or in the entrance thereto.

[Approved February 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who, in the waters of San Diego Bay, in the county of San Diego, State of California, or in that part of the entrance to said bay which is inside or north of a line drawn from the Point Loma light house now in use, to the south end of the jetty which extends southerly from North Island into the Pacific Ocean, shall use any weir, dam, net, trap or seine of any description, for the purpose of catching fish; or who shall in said waters take any fish from any weir, dam, net, trap or seine, is guilty of a misdemeanor. Use of weirs, dams, nets, etc. prohibited.

SEC. 2. Any person convicted of a violation of any of the provisions of this act shall be fined not less than ten dollars nor more than fifty dollars, or shall be imprisoned in the county jail of said county not less than five days nor more than twenty-five days, or shall be both fined and imprisoned, in the discretion of the court. Penalty.

SEC. 3. This act shall take effect immediately.

CHAPTER 16.

An act to amend section fifty-six, of an act, entitled "An act to establish a uniform system of county and township government," approved April 1st, 1897, and amended March 23d, 1901, and again amended March 12, 1903, relating to the officers of a township.

[Approved February 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifty-six of an act entitled, "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and amended March 23, 1901 and again amended March 12, 1903, is hereby amended to read as follows:

Section 56. The officers of a township are, two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities in which city justices and recorders are elected, and in townships having a population of less than five thousand, there shall be but one Township officers.

justice of the peace; *and provided*, that in townships containing a population of more than one hundred thousand and less than three hundred thousand there shall be four justices of the peace. The board of supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables; *provided, however*, that in the establishment of townships, no incorporated city shall be divided so as to lie partly within one township and partly within another. Upon the approval of this act the board of supervisors must appoint competent persons to fill the additional offices of justices of the peace by this act created.

SEC. 2. This act shall take effect immediately.

CHAPTER 17.

An act to promote the public welfare, by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowment, erection and maintenance within this state of hospitals for the relief of the sick and for training schools for nurses.

[Approved February 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Act to be
liberally
construed.

SECTION 1. The provisions of this act shall be liberally construed with a view to effect its objects and promote its purposes; and in the construction thereof, the singular number shall be deemed to include the plural, and the plural shall be deemed to include the singular number, and the masculine gender shall be deemed to include the feminine.

Endow-
ment of
hospitals,
manner of.

SEC. 2. Any person desiring in his life time to promote the public welfare by founding, endowing and having maintained within this state a hospital for the relief of the sick, and as a training school for nurses, may to that end and for such purpose, by grant in writing, convey to a trustee or any number of trustees named in such grant, and to their successors, any property real or personal, belonging to such person, and situated or being within this state, *provided*, that if any such person be married and the property be community property, then both husband and wife must join in such grant.

Designa-
tion of
scope
of institu-
tion.

SEC. 3. The person making such grant may therein designate:

1. The nature, object and purpose of the hospital and school for nurses to be founded, endowed and maintained.

2. The name by which it shall be known.

3. The powers and duties of the trustees, and the manner in which they shall account, and to whom, if accounting be

required; but such powers and duties shall not be held to be exclusive of other powers and duties which may be necessary to enable such trustees to fully carry out the objects of such grant.

4. The mode and manner, and by whom, the successors of the trustee or trustees named in the grant are to be appointed.

5. Such rules and regulations for the management of the property conveyed as the grantor may elect to prescribe; but such rules shall, unless the grantor otherwise prescribes, be advisory only, and shall not preclude such trustees from making such changes as new conditions may from time to time require.

SEC. 4. The trustee or trustees named in such grant, and their successors may in the name of the said hospital and school for nurses, as designated in such grant, receive and hold gifts and donations of real and personal property, sue and defend, in relation to the trust property, and in relation to all matters affecting the said hospital and said school endowed or established by such grant, and such trustees are hereby given, and shall have, the right to exercise corporate powers and privileges, and to that end they may organize and act as a board of trustees, elect such officers of such board as they may deem to be necessary, adopt by-laws, and as such board, and through the officers thereof, they may transact such business, perform such acts and exercise such powers as they in writing may provide may be transacted, performed and exercised by such board. Such board may adopt and use a seal and such seal when attached to any document or writing shall be prima facie evidence that such document or writing was made by and under due authority from such board and from such trustees.

Trustees,
powers of.

Seal.

SEC. 5. The person making such grant, by a provision therein, may elect in relation to the property conveyed and in relation to the erection, maintenance and management of such hospital and school, to perform, during his life, all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the trustee therein named, and in such case the powers and duties conferred and imposed by such grant upon said trustees therein named, shall be exercised and performed by the person making such grant, during his life; *provided however*, that upon the death of such person such powers and duties shall devolve upon and shall be exercised by the trustees named in the grant, and their successors.

Grantee
may
exercise
powers of
trustee.

SEC. 6. Any such grant may be executed, acknowledged and recorded in the same manner as is now provided by law for the execution, acknowledgment and recording of grants of real property.

Execution
of grant.

SEC. 7. No suit, action or proceeding shall be commenced or maintained by any person to set aside, annul or effect said conveyance or to effect the title to the property conveyed, or the right to the possession, or to the rents, issues and profits thereof, unless the same be commenced within two years after

Right of
action
to annul
trust.

the date of filing such grant for record; nor shall any defense be made to any suit, action or proceeding commenced by the trustees named in said grant or their successors, privies or persons holding under them, which defense involves the legality of said grant, or effects the title to the property thereby conveyed, or the right of possession, or the rents, issues and profits thereof, unless such defense is made in a suit, action or proceeding commenced within two years after such grant shall have been filed for record, and after such filing said property shall be exempt from execution and forced sale.

SEC. 8. This act shall be in force from and after its passage.

CHAPTER 18.

An act to amend section 1697 of the Political Code defining the length of school month.

[Approved February 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1697 of the Political Code of the State of California is hereby amended to read as follows:

School
month
defined.

1697. A school month is construed and taken to be twenty days, or four weeks of five days each, including legal holidays.

CHAPTER 19.

An act appropriating money to pay the funeral expenses of the late controller, Edward P. Colgan.

[Approved February 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Funeral
expenses
of late E. P.
Colgan,
appropriation
for.

SECTION 1. The sum of nine hundred and twenty-one and fifty one-hundredths dollars (\$921.50) is hereby appropriated, to pay the funeral expenses of the late Edward P. Colgan, such expenses to said amount having been appropriated by the state board of examiners.

SEC. 2. The state controller is hereby directed to draw his warrant for the amount herein appropriated, upon proper demands audited by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 20.

An act to amend section 595 of the Political Code relating to the general duties of an insurance commissioner.

[Approved February 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 595 of the Political Code is hereby amended to read as follows:

595. The insurance commissioner must receive all bonds and securities of persons engaged in the transaction of insurance business in this state, and file and safely keep the same in his office, or deposit them as provided in this article. He must examine and inspect the financial condition of all persons engaged, or who desire to engage, in the business of insurance; issue a certificate of authority to transact insurance business in this state to any persons in a solvent condition, who have fully complied with the laws of this state, and are in nowise in arrears to the state, or to any county or city of the state, for fees, licenses, taxes, or penalties accrued upon business previously transacted in the state; determine the sufficiency and validity of all bonds and other securities required to be given by persons engaged, or to be engaged, in insurance business, and cause the same to be renewed in case of the insufficiency or invalidity thereof; and perform all other duties imposed upon him by the laws regulating the business of insurance in this state, and enforce the execution of such laws; prepare and furnish, on demand, to all persons engaged in the insurance business, blank forms for such statements or reports as may by law be required of them; make, on or before the first day of August in each year, a report to the governor of this state, containing a tabular statement and synopsis of the reports which have been filed in his office, showing, generally, the condition of the insurance business and interests in this state, and other matters concerning insurance, and a detailed statement, verified by oath, of the moneys and fees of office received by him, and for what purpose. And whenever any insurance company, doing business in this state, shall voluntarily surrender to the insurance commissioner its certificate of authority previously granted, thereby withdrawing from business in this state, the commissioner must make due publication of such surrender and withdrawal daily for the period of one week, in each of two daily newspapers, the one published in the city of San Francisco, and the other in the city of Sacramento. It is further enacted that if in any action hereafter commenced in the superior court of this state, by a citizen thereof, against a foreign corporation or company doing insurance business in this state, such corporation or company shall transfer, or cause to be transferred, remove, or cause to be removed, such

Insurance commissioner, general duties.

Report to governor.

Insurance companies, withdrawal from business.

Revocation of certificate.

action to the United States circuit court, the right of such corporation or company to transact insurance business in this state shall thereupon and thereby cease and determine; and the insurance commissioner shall immediately revoke the certificate of such corporation or company authorizing it to do business in this state, and publish such revocation daily, for the period of two weeks, in each of some two daily newspapers, the one published in the city of San Francisco, and the other in the city of Sacramento.

SEC. 2. This act shall take effect immediately.

CHAPTER 21.

An act transferring money from the traveling expense fund of the bureau of building and loan supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the state controller and state treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

[Approved February 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Building
and loan
bureau,
special
fund.

SECTION 1. The sum of three hundred (300) dollars is hereby transferred from and out of any unexpended balance remaining to the credit of the traveling expense fund of the bureau of building and loan supervision, at the close of the 57th fiscal year, to a special fund to be used by the building and loan commissioners in defraying the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity.

SEC. 2. The state controller and state treasurer are directed to make said transfer in conformity with section one of this act, and to respectively draw and pay the necessary warrants for the disbursement thereof.

SEC. 3. This act shall take effect immediately.

CHAPTER 22.

An act to amend an act entitled, "An act to establish a Code of Civil Procedure," approved March 11th, 1872, by adding a new section thereto to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the superior court, and for opinions rendered in cases before said superior court.

[Approved February 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered section 274a, and to read as follows:

274a. Judges of the superior court may have any opinion given or rendered by such judge in the trial of any action or proceeding, pending in such court, or any instructions to be given by such court to the jury taken down in shorthand and transcribed by the official reporter of such court; but if there be no official reporter for such court, then by any competent stenographer or typewriter, the cost thereof to be a legal charge against the county, payable out of the general fund in the county treasury in the same manner as any other claims against the county, when properly approved by the said judge so ordering the same.

Transcribing of opinions and instructions, a county charge.

CHAPTER 23.

An act making an appropriation for the contingent expenses of the senate for the thirty-seventh session of the legislature.

[Approved February 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for contingent expenses of the senate for the thirty-seventh session of the legislature; and the controller of the state is authorized to draw his warrants for the same, and the treasurer of the state is directed to pay the same.

Contingent expenses of senate, appropriation.

SEC. 2. This act shall take effect immediately.

CHAPTER 24.

An act to repeal an act entitled "An act to reorganize Swamp Land District Number Seventy, of Sutter county, and to provide for the construction, maintenance and repairs of levees therein," approved March 27, 1878.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repealed. SECTION 1. An act entitled "An act to reorganize Swamp Land District Number Seventy, of Sutter county, and to provide for the construction, maintenance and repairs of levees therein," approved March 27, 1878, is hereby repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 25.

An act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this state from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Protection
districts,
organiza-
tion.

SECTION 1. Whenever fifty, or a majority of the owners who are also the owners of a majority of the lands of any farming or other community or neighborhood within this state, which lands lie in one body and are liable to overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such community or neighborhood, and may be protected by the same system of works, desire to provide for the protection of such lands from said damage; they may propose the organization of a protection district under the provisions of this act, and when so organized, such district shall have the powers,

rights, and duties conferred, or which may be conferred by law upon such protection districts. The equalized county assessment roll next preceding the presentation of a petition for the organization of a protection district under the provisions of this act, shall be prima facie evidence of ownership for the purposes of this act; *provided*, that no person who has received or acquired ownership of land within such proposed district for the purpose of enabling him or her to join in such petition or to become an elector of said district, shall be competent to sign such petition or vote at any election held for the purpose of its organization. Such illegal signing, however, shall not invalidate such petition when there shall be found a sufficient number of other legal petitioners.

Evidence
of
ownership

SEC. 2. In order to propose the organization of a protection district, a petition shall be presented to the board of supervisors of the county in which the lands of the community or neighborhood and within the proposed district, or the greater portion thereof, are situated, signed by the required number of owners of lands within such proposed district, as above provided, which petition shall set forth and particularly describe the proposed boundaries of such district and the purposes of such organization, and shall pray that the same be organized under the provisions of this act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the said board of supervisors, in double the amount of the probable cost of organizing such district, *conditioned* that the obligors will pay all the cost in case such an organization will not be effected. The petition shall be presented at a regular meeting of said board of supervisors, and shall have been published for at least two weeks before such presentation, in some newspaper of general circulation in said community or neighborhood and printed and published in the county where the petition is presented, together with a notice stating the date of the meeting of said board at which the petition will be presented; and if any portion of the proposed district lies within another county, or counties, then said petition and notice shall be likewise published in such a newspaper printed and published in each of such counties.

Petition
for forma-
tion of
district.

Bond.

Publica-
tion.

SEC. 3. When such petition is presented, the board of supervisors shall hear the same, together with any objections in writing which may have been made and filed with said board by any owner of land within such proposed district, and also may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable by them in carrying out the purposes of this act, and shall define and establish such boundaries; but said board shall not modify said boundaries so as to exclude from such proposed district any land liable to damage from the overflow of such waters, as hereinbefore stated; nor shall said board modify said boundaries so as to include within such pro-

Board of
super-
visors,
hearing on
petition.

Bound-
aries.

posed district lands not liable to be damaged by such overflow; nor shall said board modify said boundaries so as to include any lands not included within the boundaries proposed in said petition. Any owner of lands adjacent to the borders of said district may, by his written application therefor filed with said board on or before the time of the hearing of said petition, in the discretion of said board have such lands included within said proposed district. Upon such hearing of said petition, the board of supervisors shall determine whether or not said petition complies with the requirements and purposes of this act, and must hear all competent and relevant testimony offered in support or in opposition thereto. Such determination shall be entered upon the minutes of said board of supervisors.

Determina-
tion of
board.

SEC. 4. When under the provisions of the preceding sections the boundaries of the proposed district shall be defined and established by said board, they shall make an order dividing said district into three or five divisions, as nearly equal in size as practicable, which divisions shall be numbered consecutively and constitute election precincts for said district, and one director, who shall be an elector and resident of the precinct for which he is elected, shall be elected as hereinafter provided, by each precinct; *provided* that when requested in the petition, three directors, who shall be residents, and electors, of the district, shall be elected at large by the qualified electors of the district.

Election
precincts.

Directors.

SEC. 5. Said board of supervisors shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall designate a name for such proposed district and describe the boundaries of the precincts established therein, when more than one, together with a designation of the polling place and board of election for each precinct; and said notice shall be published for at least three weeks previous to such election, in a newspaper of general circulation within the boundaries of said proposed district and published within the county in which the petition for the organization of such district was presented; and if any portion of such proposed district is within another county, or counties, then such notice shall be published for the same length of time in such a newspaper published in each of said counties. Such notice shall require the electors to cast ballots which shall contain the words, "Protection District—Yes," or, "Protection District—No," or words equivalent thereto, and also the names of one or more persons (according to the division of the proposed district as prayed for in the petition and ordered by the board), to be voted for to fill the office of director. Such election shall be conducted, as nearly as practicable, in accordance with the general laws of the state, but no particular form of ballot shall be required.

Notice of
election.

Publica-
tion.

Ballots.

SEC. 6. No person shall be entitled to vote at any election held under the provisions of this act, unless he possesses all the qualifications required of electors under the general election laws of the state.

Qualifica-
tions of
electors.

SEC. 7. Said election shall then be held, and the said board of supervisors shall, on the first Monday succeeding such election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast thereat, and if upon such canvass it appear that at least two-thirds of all the votes cast are "Protection District—Yes," the board shall, by an order entered in its minutes, declare such territory duly organized as a protection district, under the name theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for directors, to be duly elected to such offices.

Canvass of
vote.

Declara-
tion of
result.

SEC. 8. Said board shall then cause a copy of such order, duly certified by the clerk of said board, to be immediately filed for record in the office of the county recorder of any county in which any portion of the lands embraced in such district is situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said last mentioned counties; and no board of supervisors of any county in which any portion of the lands embraced in such districts are situated, shall, after the date of the organization thereof, allow another district to be formed including any portion of said lands, without the consent of the board of directors of the district in which they are situated. From and after such filing, the organization of the district shall be complete.

Copy of
order to be
recorded.

SEC. 9. Such election or organization may be contested by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of the county where the petition for organization is filed; *provided*, that if more than one contest be pending, they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest, and determine upon the hearing whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest may be brought within twenty days after the canvass of the vote and declaration of the result by the board of supervisors, but not later. The right of appeal is hereby given to either party to the record.

Contest.

SEC. 10. The directors elected at the election hereinbefore provided for, shall immediately enter upon their duties as such, upon qualifying in the manner herein provided. Said directors shall hold office, respectively, until their successors are elected and qualified.

Directors,
term of
office.

SEC. 11. Such directors shall, on the first Tuesday after their election after they shall have qualified, meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greatest number shall expire at the next general February election in

Classifica-
tion of
directors.

- this act provided for; and the term of office of the class having the lesser number shall terminate at the next general February election thereafter. After such classification said directors shall organize as a board, shall elect a president from their number and appoint a secretary, who shall each hold office during the pleasure of the board: The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.
- Organization.** **SEC. 12.** The board of directors shall hold regular meetings in their office, on the first Tuesday in March, June, September, and December, and such special meetings as may be required for the proper transaction of business; *provided*, that all special meetings must be ordered by a majority of the board, by an order entered in the minutes specifying the business to be transacted. Three days' notice to any member not joining in the order must be given by the secretary, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public, and a majority of the members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary, and all records of the board shall be open to public inspection during business hours. The board of directors shall, on the first Tuesday in March of each and every year, render, and immediately thereafter cause to be published, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week, for two weeks, in some paper of general circulation within said district and published in the county where the office of the board of directors of such district is situated.
- Salary of secretary.** **SEC. 13.** The board of directors shall have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; to make and execute, in the name of the district, all necessary contracts; to adopt a seal for the district, to be used in the attestation of proper documents; to provide for the payment from the proper fund of all the debts and just claims against the district; to employ and appoint engineers to survey, plan, locate, and supervise the construction of works necessary for the protection of the lands within said district from damage by overflow from the waters of said stream, water course, canon, or wash, as hereinbefore stated, and to estimate the cost of such works and the land needed for right of way, also to construct, maintain, and keep in repair all works necessary for the purpose of such protection. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary protection works for the purpose of protecting the lands of said district from damage by the overflow of the waters of said stream, water course, canon, or wash. Said board shall also have the right to acquire, hold, and possess, either by donation, purchase, or condemnation, in the name and on behalf of said
- Meetings.**
- Minutes of proceedings.**
- Financial statement.**
- Conduct of affairs of district.**
- Acquisition of land.**

district, any land or other property necessary for the construction, use, maintenance, repair, and improvement of any works for the purpose of protection, as herein provided. The board may establish equitable by-laws, rules, and regulations necessary or proper for carrying on the business herein provided for.

SEC. 14. The board of directors, when they deem it advisable, for the best interests of the district, and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the election precincts of the district; *provided*, such changes shall be made to keep all the precincts as nearly equal in area and population as may be practicable. Such changes of boundaries of the precincts must be shown on the minutes of the board.

Change of boundaries.

SEC. 15. In case of condemnation proceedings, the board shall proceed, in the name of the district, under the provisions of Title VII., Part III., of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property which may be condemned, taken, or appropriated under the provisions of this act, is a public use, subject to the regulation and control of the state, in the manner prescribed by law.

Condemnation proceedings.

SEC. 16. In each district organized as herein provided, an election shall be held on the first Wednesday in February of each odd numbered year, at which directors for the district shall be elected to fill the places of those whose terms then expire. The person receiving the highest number of votes for the office to be filled at such election is elected thereto. Within ten days after receiving their respective certificates of election, each of said persons shall qualify as such director by taking and subscribing the official oath and filing a bond, as herein provided. Each director shall execute an official bond in the sum of five thousand dollars, which shall be approved by the judge of the superior court of the county where the organization of the district was effected, and shall be recorded in the office of the county recorder of such county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided shall be in the form prescribed by law for the official bonds of county officers. If a vacancy shall occur in the office of director, the same shall be filled by appointment by the remaining members of said board of directors. A director so appointed shall qualify within ten days after receiving notice of his appointment, as in said act provided, as if he were elected to such office, as hereinbefore provided; and he shall hold such office only until the next regular election for such district, and until his successor is elected and qualified.

Elections.

Official bonds.

Vacancies.

SEC. 17. On the first Tuesday in March next following the election, the directors who shall have been elected at the general February election, and those whose terms have not expired shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the

Organization of board.

Office, place of. pleasure of the board. The full term of office of directors is hereby fixed at four years. The office of the board of directors of any such district may be established by said board of directors at the county seat, of the county where the same was organized, or at some proper and convenient place within the district, but after the office is once established it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice for thirty days in some newspaper of general circulation throughout said district and published in the county where the same is organized.

Notice of election. SEC. 18. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors 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 similar notice of the same in a conspicuous place in the office of said board, specifying the polling places of each precinct, and the names of the members of the boards of election, for each precinct. Prior to the time for posting such notices, the board

Election officers, appointment. must appoint for each precinct, from the electors thereof, one inspector and one judge and one clerk, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed, or any of them, do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour, may appoint the board, or supply the place of an absent member thereof. The board of directors must in its order appointing the board of election, designate the place within each precinct where the election must be held.

Organization of election board. SEC. 19. The inspector is chairman of the election board, and may administer all oaths required in the progress of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be open at 9:00 o'clock A. M., and be kept open until 4:00 o'clock P. M., when the same must be closed. The provisions of the general election laws concerning the form of ballots to be used shall not apply to elections held under this act.

Polls, when opened and when closed. SEC. 20. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted, as nearly as practicable, in accordance with the provisions of the general election laws in this state.

Voting

SEC. 21. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge and the inspector. One of said certificates with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks and endorsed "election returns of (naming the precinct) precinct" and be directed to the secretary of the board of directors and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Election
returns.

SEC. 22. No list, tally paper, or certificate, from any election, shall be set aside or rejected for want of form if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until 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 computing the vote of the district for each person voted for and declaring the result thereof.

Canvass of
returns.

SEC. 23. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (a) the whole number of votes cast in the district and in each precinct thereof if there be more than one precinct; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director. The board of directors must declare the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board.

Declara-
tion
of result

Number of directors. SEC. 24. In any district the board of directors thereof may, upon the presentation of a petition therefor, by a majority of the landowners of said district, order that on and after the next ensuing general election for the district, there shall be either three or five directors, as said board may order, and they shall be elected, by the district at large, or by divisions, as so petitioned and ordered; and after such order such directors shall be so elected.

Titles to district property, where vested. SEC. 25. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such protection district, and shall be held by such district in trust for and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such protection district, to and for the uses and purposes herein expressed, and to institute and maintain or defend any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect, or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits, or proceedings, the said board may sue, appear, and defend in person or by attorneys, and in the name of such protection district.

Employment of engineer.
Plans for work. SEC. 26. Upon the completion of the organization of such district and of its board of directors, as hereinbefore provided for, said board of directors shall employ a civil engineer, or engineers, to make a plan, or plans, for the construction of works necessary for the protection of the land of such district from overflow and damage as hereinbefore specified; and also an estimate of the cost of said works and of the lands and property necessary to be taken or injured by such construction; which engineer, or engineers, shall report in writing to said board such plans and estimates, when completed; and said board of directors, after securing such plans and estimates, shall determine therefrom and such other information and evidence as they may deem proper to secure, the probable cost of the construction of said works and the lands and property necessary to be taken and injured by such construction. Said board shall thereupon call a special election, at which shall be submitted to the electors of such district the question whether or not the bonds of said district shall be issued in the amount so determined. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper of general circulation within said district and published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three suc-

Bond election.

cessive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes" or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued; if a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. Whenever, also, the construction fund in this act provided for has been exhausted by expenditures therefrom as in this act authorized, and it is necessary to raise additional money for said purpose, the board of directors may estimate and determine the amount of the money necessary to be raised and thereupon submit to said electors the question of raising the same by the issuance of bonds in the same manner and with like effect as at such previous election hereinbefore provided for.

Ballots.

Result.

Additional
money,
how
raised.

SEC. 27. All bonds issued under the provisions of this act shall be payable in gold coin of the United States, in ten series as follows, to-wit: On the first day of January after the expiration of eleven years, five per cent of the whole number of said bonds; on the first day of January, after the expiration of twelve years, six per cent; on the first day of January after the expiration of thirteen years, seven per cent; on the first day of January after the expiration of fourteen years, eight per cent; on the first day of January after the expiration of fifteen years, nine per cent; on the first day of January after the expiration of sixteen years, ten per cent; on the first day of January after the expiration of seventeen years, eleven per cent; on the first day of January after the expiration of eighteen years, thirteen per cent; on the first day of January after the expiration of nineteen years, fifteen per cent; on the first day of January after the expiration of twenty years, sixteen per cent; that the several enumerated percentages being of the entire amount of the bond issue, but each bond must be made payable at a given time for its entire amount and not for a percentage. Said bonds shall bear interest at a rate to be determined by said board of directors and specified in said notice of election not to exceed six per cent per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed

Bonds,
when
payable.Interest
rate.

Coupons. and the bonds of each issue shall be numbered consecutively, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were signed by authority of this act, stating its title and date of approval, and shall also so state the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser.

Sale of bonds.

Publication.

Proposals.

Bonds a lien against property.

Assessments.

To be submitted to electors.

SEC. 28. The board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous to raise money for the construction of said works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper of general circulation in said district and published in the county where the office of the said board is located, and in any other newspaper, at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder; *provided*, however, that they may reject all bids. Said board shall in no event sell any of said bonds for less than the par value thereof.

SEC. 29. Any bonds issued under the provisions of this act shall be a lien upon the property of the district and the lien for the bonds of any issue shall be a preferred lien to that for any subsequent issue. Said bonds, and the interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district; and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 30. In case the money raised by the sale of bonds issued be insufficient or in case the bonds be unavailable for the completion of the works, and additional bonds be not voted, the board of directors shall provide for the completion of said works by levying assessments therefor; *provided*, however, that such levy of assessment shall not be made except first an estimate of the amount required for the purpose thereof has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted, the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor, and if submitted at a special election said order shall, in addition, fix the day of election. Notice of such election must be given by

posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper of general circulation in said district and published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words, "Assessment—Yes," or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall proceed in the manner prescribed in the sections herein provided for raising funds for the annual requirements; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record.

Notice of election.

SEC. 31. Whenever a district organized under the provisions of this act, has outstanding bonds, coupons, or other evidences of indebtedness, the payment thereof may be provided for by the issuance of new bonds, in the manner hereinafter prescribed.

New bonds.

SEC. 32. In order to propose the funding of such bonds, coupons, or other evidences of indebtedness a petition shall be presented to the board of directors of such protection district, signed by a majority of the owners of the land situated therein, which petition shall set forth the amount of bonds, coupons, or other evidences of indebtedness proposed to be funded, together with a general description of same, also the total amount of the bonds sought to be issued (*provided*, that said amount shall in no case be greater than the total amount of bonds, coupons, and other evidences of indebtedness then outstanding and sought to be funded), together with a full and complete statement of the purposes for which such bonds are to be used. On presentation of such petition, the same shall be entered in full on the minutes of the board.

Funding of bonds.

SEC. 33. Immediately after the recording of said petition the board shall call a special election, at which shall be submitted to the electors of such district the question whether or not the bonds of such district in the amount set forth in said petition shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper of general circulation in said district and published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks before such election. Such notice must specify the time of holding

Special election.

the election, the amount of bonds proposed to be issued, the amount of bonds, coupons or other evidences of indebtedness proposed to be funded, together with a general description of the same. Said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election, the ballots shall contain the words "Bonds—Yes" or "Bonds—No" or words equivalent thereto. If two-thirds of the votes cast are "Bonds—Yes" the board of directors shall cause bonds in said amount to be issued. If more than one-third of the votes cast at such election are "Bonds—No," the result of such election shall be so declared. The result in either case shall be duly entered of record.

Refund-
ing bonds,
how
payable.

SEC. 34. If said bonds are directed to be issued as herein provided for the board of directors shall cause the same to be issued. Said bonds shall be made payable in gold coin of the United States, in twenty series, as follows, to wit: On the first day of January after the expiration of twenty years, five per cent of the whole amount of said bonds, and on the first day of January of each year thereafter, an equal amount of such bonds until all shall have been finally paid; that is, five per cent of the whole issue of bonds—not five per cent of each bond, each being wholly payable when due. Said bonds shall bear interest at a rate to be determined by the board of directors and specified in the notice of election not to exceed six per cent per annum, payable semi-annually on the first day of January and July of each year. They shall be negotiable in form, and shall be of denominations of not less than \$100 nor more than \$500. Said bonds shall in all respects conform to the form of bonds prescribed hereinbefore.

Must sell
at par.

SEC. 35. It shall be unlawful to sell or exchange any of the bonds as herein provided for less than their par value.

County
treasurer
to be
custodian.

SEC. 36. When bonds issued under section 34 of this act shall be duly executed, they shall be deposited with the treasurer of the county wherein the district was organized, who is hereby authorized and charged with the duty of receiving the same, and his receipt shall be taken therefor, and he shall be charged with the same on his official bond, and shall have no power to deliver the same in exchange for any bonds or indebtedness proposed to be funded until the bonds or evidence of indebtedness proposed to be funded shall have been surrendered to him, and he shall have been ordered by the board of directors of the district, by an order duly entered on their records to make such delivery. When such bonds have been exchanged for other bonds, coupons, or other evidences of indebtedness, the treasurer shall at once cancel such other bonds, coupons, or other evidences of indebtedness by writing across the face thereof "cancelled" and the date of cancellation, and report the same with his next regular

report hereinafter provided for to the board of directors of the district designating the bond, coupon, or other evidence of indebtedness, so that it can be identified, the date of cancellation, and the person from whom it was received, together with the amount paid therefor, or the terms of exchange, in case there is an exchange.

SEC. 37. When said bonds are issued for the purpose of sale to the highest bidder, the board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money to pay bonds, coupons, or other evidences of indebtedness of the district which were outstanding at the time of the filing of said petition, and generally described therein. Resolution of intention must be declared, and notice given, and the sale conducted in the manner prescribed in this act for the sale of original bonds. Said bonds shall in no event be sold for less than their par value including accrued interest. All moneys realized from the sale of bonds, issued under the provisions of this section, shall be paid into the hands of the said treasurer, and by him kept in a separate fund, known as the funding fund, and shall be applied exclusively to the payment of bonds, coupons, or other evidences of indebtedness of the district outstanding at the time of the filing of the said petition, and described therein.

Bonds may be sold from time to time.

SEC. 38. The bonds issued as herein provided for may be exchanged, at not less than their par value, including accrued interest, for any of the indebtedness set out and described in the notice of the election authorizing the issuance of said refunding bond. A contract for such exchange may be made by the board of directors upon such terms as said board may deem advisable; *provided*, that they must receive not less than par value for the bonds so exchanged.

Exchange of bonds.

SEC. 39. The board of directors must, on or before the first meeting of the board of supervisors in September of each year, furnish the supervisors and the auditor of the county wherein the district is situated, or if such district is not entirely within one county, then as hereinafter provided, to the supervisors and auditors of each county in which any portion of the district is situated, an estimate in writing of the amount of money needed for the purposes of the district for the ensuing fiscal year. The amount must be sufficient to raise the annual interest on the outstanding bonds, to pay the estimated cost of repairs, the incidental expenses of the district, and in any year in which any bonds shall fall due, an amount sufficient to pay the principal of the outstanding bonds as they mature; and in any year when an assessment or installment thereof is payable, sufficient to pay the same.

Estimate of amount needed.

SEC. 40. If such district is in more than one county the total estimate as provided for in the preceding section shall be divided by the board of directors in proportion to value of the real property of the district in each county. This value must be determined from the equalized values of the

Division of estimate.

last assessment rolls of such counties. When such division of the estimate has been made, the board shall furnish the supervisors and auditors of the respective counties a written statement of that part of the estimate apportioned to that county.

Protection
district
tax levy.

SEC. 41. The board of supervisors of each county wherein is situated a district or any part thereof organized under the provisions of this act, must, annually, at the time of levying county taxes, levy a tax to be known as the "_____ (name of district) protection district tax," sufficient to raise an amount reported to them as herein provided, by the board of directors. The supervisors must determine the rate of such tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the real property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported by the board of directors as required to be raised by the remainder of such total assessed value.

Duty
of county
auditor.

SEC. 42. The tax so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the tax as provided in the preceding section, then the auditor must do so. Such tax shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district.

Levying
and
collecting
tax.

SEC. 43. The provisions of the Political Code of this state prescribing the manner of levying and collecting taxes and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Repository
of funds.

SEC. 44. If the district is in more than one county, the treasury of the county wherein the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties wherein is situated a portion of said district, must, at any time, not oftener than twice each year, upon the order of the board of directors, settle with said board and pay over to the treasurer of the county where the district was organized, all moneys in their possession belonging to the district. Said last-named treasurer is authorized and required to receive and receipt for the same, and to place the same to the credit of the district. He shall be responsible upon his official bond for the safekeeping and disbursement, in the manner herein provided, of these and all other moneys of the district held by him.

Apportion-
ment
of funds.

SEC. 45. The following funds are hereby created and established, to which the moneys properly belonging shall be apportioned by the treasurer, to wit: Bond fund, construction fund, general fund, funding fund.

Duty
of county
treasurer.

SEC. 46. The treasurer shall pay out of the same only upon warrants of the board of directors, signed by the president and attested by the secretary. The treasurer shall report in

writing to the board of directors whenever requested by them or the secretary, the amount of money in the fund, the amount of receipts since his last report, and the amounts paid out.

SEC. 47. Upon the presentation of the coupons due, to the treasurer, he shall pay the same from the bond fund. Whenever said fund shall amount to the sum of ten thousand dollars in excess of an amount sufficient to meet the interest coupons due, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in the manner hereinbefore provided for the sale of bonds, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted; *provided*, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer, under the direction of the board, in United States bonds, or the bonds of the state, which shall be kept in said "bond fund" and may be used to redeem said district bonds whenever the holders thereof may desire.

Redemption
of bonds.

SEC. 48. After the adoption of a plan of works and providing funds for the construction of the same, and securing the necessary rights of way as in this act provided, the board of directors shall give notice by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district (*provided*, a newspaper is published therein) and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed shall be opened in public; and as soon as convenient thereafter the board shall let said work, whether in portions or as a whole, to the lowest responsible bidder; or they may reject any and all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use for fifty per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

Bids for
construction
of works.

Warrants. SEC. 49. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president, and countersigned by the secretary.

Construction fund. SEC. 50. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund.

Pay of directors. SEC. 51. Each member of the board of directors shall receive three dollars per day and actual and necessary expenses for each day's attendance at the meetings of the board, and while engaged in official business under the order of the board.

Officers must not be interested in contracts. SEC. 52. No director or any other officer named in this act shall in any manner be interested, directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Special assessments, elections for. SEC. 53. The board of directors may at any time, when in their judgment it may be deemed advisable call a special election and submit to the qualified electors of the district the question, whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such assessment may be payable in one or more equal annual installments as may be determined by the board of directors and specified in the notice of the election hereinafter provided. Such election must be called upon the notice prescribed and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 26 of this act. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such election the ballots shall contain the words "Assessment—Yes" or "Assessment—No." If two thirds or more of the votes cast are "Assessment—Yes," the board shall proceed in the manner hereinbefore prescribed for raising the annual funds by taxation. When collected, the money shall be paid into the district treasury for the purposes specified in the notice of such special election.

Limit of debt. SEC. 54. The board of directors shall have no power to incur any debt or liability whatever either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of five thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at the rate of not to exceed seven per cent per annum.

SEC. 55. The rights of way and works belonging to any protection district organized under this act shall not be taxed for state and county or municipal purposes. Tax exemption.

SEC. 56. The board of directors shall within thirty days after the issue of any bonds in this act provided for bring an action in the superior court of the county wherein is located the office of such board, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation in said district and published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within thirty days after the full publication of such summons in the manner herein provided. Any one interested may, at any time before the expiration of said thirty days, appear, and by proper proceedings contest the validity of such bonds, and may in the same action or proceeding contest the validity of any bonds, coupons, or other evidences of indebtedness referred to in the petition for funding and proposed to be funded, and if any such bonds, coupons, or evidences of indebtedness be shown to be invalid, then the same shall only be funded for the amount of such proportion thereof as equals the fair and reasonable value of whatever the district may have received in consideration therefor, together with the unpaid interest thereon, and the amount of such proportion shall be determined and adjudicated by the court in said action or proceeding. Said action shall be speedily tried and judgment rendered declaring such bonds so contested either valid or invalid. Either party shall have the right to appeal from such judgment. Suit to determine validity of bonds.

SEC. 57. If no such proceeding shall have been taken by the board of directors, then at any time after thirty days and within ninety days after the issue of any bonds under the provisions of this act, any district assessment-payer may bring an action in the superior court of the county wherein the office of the board of directors is located, to determine the validity of any such bonds. The board of directors shall be made parties defendant and service of summons shall be made on the members of the board personally, if they can be found within the state; if not, then by publication for three weeks in some newspaper of general circulation in said district and published in the county wherein the office of the board of directors is located, such newspaper to be designated by the court having jurisdiction. Before such publication can be had, an affidavit, in the usual form shall be made, showing such facts. Said board shall have the right to appear and contest such action. Notice of said action shall be given by publication of summons therein in the same manner and for the same time as required in the preceding section hereof in actions brought by the publication of such summons in the manner herein provided. Any district assessment-payer or any one interested may appear and defend said action, and thereafter Same.

the same proceedings shall be had in such action as are hereinbefore provided for in the preceding section hereof in actions brought by the board of directors, and the same matters determined and adjudicated by the court therein. Such action shall be speedily tried, with the right of appeal to either party,

Proceedings.

SEC. 58. At the hearing of such proceedings the court shall hear and determine the sufficiency of all proceedings.

Actions consolidated.

SEC. 59. If more than one action shall be pending at the same time concerning similar contests in this act provided for, they shall be consolidated and tried together.

Rules of pleading.

SEC. 60. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The costs of any hearing or contest herein provided for may be allowed and apportioned between the parties or attached to the losing party, in the discretion of the court.

Contest.

SEC. 61. No contest of any matter or thing herein provided for shall be made other than within the time and manner herein specified.

Boundaries may be changed.

SEC. 62. The boundaries of any protection district now organized or hereafter organized under the provisions of this act, may be changed, and tracts of land which were included within the boundaries of such district at or after its organization under the provisions of this act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the districts nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was or may become liable or chargeable, had said change of its boundaries not been made, or had not such land been excluded from the district.

Petition for exclusion from district.

SEC. 63. The owner or owners in fee of one or more tracts of land which constitute a portion of a protection district, may, jointly or severally, file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded, and shall describe the boundaries thereof, and also the lands of such petitioner, or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force

and effect as evidence as the acknowledgment of such a conveyance.

SEC. 64. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper of general circulation in the district and published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or, if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be at the regular meeting of the board next after the expiration of the time for the publication of the notice.

Notice of
petition.

What
notice
shall state.

SEC. 65. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence of proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down, in shorthand, and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceedings shall be paid by the person or persons filing such petition.

Hearing of
petition.

Expenses
of hearing.

SEC. 66. If upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or, if the evidence fail to sustain said petition, or if the board deem it not for the best interests of the district, that the lands, or

Board may
grant or
deny
petition to
exclude.

some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district.

Holders of bonds may consent to exclusion.

SEC. 67. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, may be excluded from the district; and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

Assent, how given.

Minutes of board to be recorded.

SEC. 68. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain a protection district as fully to every intent and purpose as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Office of director becomes vacant, when.

SEC. 69. If the lands excluded from any district under this act shall embrace the greater portion of any division or divisions of such district, then the office of director for such

division or divisions shall become and be vacant at the expiration of ten days from the final order of the board excluding said lands; and such vacancy or vacancies shall be filled by appointment by the remainder of the board from the district at large. A director appointed as above provided, shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

SEC. 70. At least thirty days before the next general election of such district, the board of directors thereof shall make an order dividing said district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third and so on, and one director shall be elected by each division. For the purposes of elections in such district, the said board of directors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board of directors may deem necessary.

Election of directors.

Election precincts.

SEC. 71. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in section 63 of this act mentioned, and may show cause, as herein provided, why the boundaries of the district should not be changed.

Guardians and executors may sign petitions.

SEC. 72. Nothing herein provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said protection district the same as though said petition for its exclusion had never been filed or said order of exclusion never made; and all provisions which may have been resorted to to compel the payment by said land of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said land of its quota and portion of said outstanding obligations of said protection district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the

Excluded lands not released from bonded debt, when.

board of directors of said district of the petition for the exclusion of said lands from the said district; *provided*, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

Change of boundaries does not impair contracts.

SEC. 73. The boundaries of any protection district now organized or hereafter organized under the provisions of this act may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Petition to include other lands.

SEC. 74. The owners of one half or more of any body of lands adjacent to the boundary of a protection district, which are contiguous and which taken together, constitute one tract of land, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are, respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Notice of filing of petition.

SEC. 75. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear, at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in the said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings arising from such petition.

SEC. 76. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of the boundaries that they may include the whole or any portion of the lands described in said petition.

Hearing of
petition.

Failure
to show
cause.

SEC. 77. The board of directors to whom such petition is presented, may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as such petitioners or their grantors would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Condition
precedent
to granting
petition.

SEC. 78. The board of directors, if they deem it not for the best interests of the district that a change of its boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected. But if they deem it for the best interests of the district that the boundaries of said district be changed and if no person interested in said district or the proposed change of its boundaries shows cause, in writing, why the proposed change should not be made, or if, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary.

Board may
accept or
reject
petition.

SEC. 79. If any person interested in said district of the proposed change of its boundaries, shall show cause as aforesaid why such boundaries should not be changed, and shall not withdraw the same, and if the board of directors deem it for the best interests of the district that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the board are of the opinion should be included within the boundaries of the district when changed.

Resolution
of change.

Election. SEC. 80. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by this act in case of a special election to determine whether bonds of a protection district shall be issued. The ballots cast at said election shall contain the words "For change of boundary" or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Ballots.

Result of election.

SEC. 81. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Order of change to be recorded.

SEC. 82. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain a protection district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Petition to be recorded in minutes.

SEC. 83. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

Guardians and executors may sign.

SEC. 84. A guardian, an executor or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in section 74 of this act mentioned, and may show cause why the boundaries of the district should not be changed.

SEC. 85. In case of the inclusion of any land within any district by proceedings under this act, the board of directors must, at least thirty days prior to the next succeeding general election, make an order redividing such district, into three or five precincts, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third and so on, and one director shall thereafter be elected by each precinct. Precinct redivision.

SEC. 86. Whenever the board of directors of a protection district heretofore organized, or hereafter organized under the provisions of this act, shall determine the authorized bonded indebtedness of such protection district is greater than such district is liable to need to complete its system as planned, and there be no outstanding bonds, the board of directors may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the board may determine to be sufficient for such purpose. Reduction of bonded indebtedness.

SEC. 87. Notice of the said election shall be given in the same manner as provided in this act, in relation to calling special elections for issuance of bonds. The notice of election must state the amount of the authorized bonded indebtedness of such district, and the amount to which it is proposed to reduce the same; also, the date on which said election will be held, and the polling places, as established by said board of directors. The ballots cast at said election shall contain the words, "For reducing bonds—Yes," or "For reducing bonds—No." When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall be "For reducing bonds—Yes," then in that event the board of directors shall only be empowered to issue or sell the amount of bonds as was stipulated in the said notice of such special election; but if a majority of said votes are not "For reducing bonds—Yes," then the authority to issue bonds shall remain the same as before said special election was held. Notice of election therefor.

SEC. 88. In case there be outstanding bonds of any district desiring to take advantage of the provisions of sections 86 and 87 of this act concerning reduction of bonded indebtedness, the assent of such bondholders may be obtained to such reduction of the bonded indebtedness, in the same manner as provided in section 67 of this act. If such assent is obtained in the manner therein provided, then, and in that event, such district shall be empowered to take advantage of all the provisions of said sections of this act, but not otherwise. No reduction of the bonded indebtedness, as in this act provided, shall in any manner affect any order of court that may have been made, adjudicating and confirming the validity of said bonds. Ballots.

SEC. 89. Whenever there remains in the hands of the board of directors of any protection district organized under the provisions of this act, after the completion of its protection system, and the payment of all demands against such district, any bonds voted to be issued by said district, but not Assent to reduction of debt, manner of.

Unsold bonds.

- sold, and not necessary to be sold for the raising of funds, for the use of such district, said board of directors may call a special election for the purpose of voting upon a proposition to destroy said unsold bonds, or so many of them as may be deemed best, or may submit such proposition at a general election.
- Special election.**
- Notice of.** SEC. 90. Such election shall be held in the same manner as other elections held under the provisions of this act. A notice of such election shall be given in the same manner as provided in section 26 of this act in relation to calling special elections for the issuance of bonds. The notice of election, must state the amount of the bonded indebtedness of such district authorized by the vote of the district, the amount of the bonds remaining unsold, and the amount proposed to be destroyed, and the date on which such election is proposed to be held, and the polling places as fixed by the board of directors. The ballots to be cast at such election shall contain the words "For destroying bonds—Yes" and "For destroying bonds—No," and the voter must erase the word "No" in case he favors the destruction of bonds, otherwise the word "Yes."
- Ballots.**
- Destruction of bonds.** SEC. 91. When the vote is canvassed by the board of directors and entered of record, if a two-thirds majority of the votes cast should be found to be in favor of the destruction of said bonds, then the president of the board, in the presence of a majority of the members of the board, must destroy the bonds so voted to be destroyed, and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall thereafter be reprinted or reissued.
- Act not to repeal other acts.** SEC. 92. This act is not intended to supersede or repeal any other act for the organization of reclamation or protection districts, or for protection purposes, but is intended as an independent and alternative means of effecting the protection herein provided for where the provisions of this act are most applicable or desirable to the parties interested.
- SEC. 93. This act shall take effect and be in force from and after its passage.

CHAPTER 26.

An act to add a new section to the Political Code, to be numbered two thousand and five hundred and twenty-four a, relating to the powers of the board of state harbor commissioners.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California to be numbered two thousand and five hundred and twenty-four a and to read as follows:

2524a. The board of state harbor commissioners shall have power to set apart and assign any property under their control, for a period not exceeding ten years, to any corporation, club or association organized for the purpose of developing and promoting aquatic sport; *provided*, that no property shall be set apart under provisions of this section to any corporation, club, or association the object of which is pecuniary profit; *and provided further*, that when any property has been set apart under the provisions of this section to any corporation, club or association, and such corporation, club or association shall cease to be actively engaged in the prosecution of the object and purposes for which it was organized or incorporated such assignment shall thereupon cease and determine as to such corporation, club, or association.

Power of state harbor commissioners to set apart property for aquatic sports.

SEC. 2. This act shall take effect immediately.

CHAPTER 27.

An act making an appropriation for the erection of a monument in the state burial plot at Sacramento to the memory of Honorable Edward P. Colgan, deceased, late state controller.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The trustees of the state burying ground at Sacramento, acting in conjunction with the state board of examiners, are hereby authorized to construct in the state burial plot at Sacramento, at the grave of Honorable Edward P. Colgan, late state controller, a suitable monument or headstone, the kind and quality of which to be established by the said trustees of the state burying ground and said state board of examiners.

Monument for late E. P. Colgan.

Appropriation.

SEC. 2. The sum of one thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 3. The state controller is hereby authorized to draw his warrant for the amount herein named, in favor of whomsoever the state board of examiners shall direct, and the state treasurer is directed to pay the same.

When available.

SEC. 4. The moneys herein appropriated shall not be available for the purposes of this act before the first day of July, nineteen hundred and seven.

CHAPTER 28.

An act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the state veterinarian for the 56th, 57th and 58th fiscal years.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

State veterinarian, deficiency.

SECTION 1. The sum of one thousand dollars (\$1,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for the contingent expenses of the state veterinarian for the 56th, 57th and 58th fiscal years, the board of examiners having granted deficiencies in the contingent appropriation of said state veterinarian.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the state veterinarian for the amount herein appropriated and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 29.

An act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the limits of the state for the 56th and 57th fiscal years.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of three thousand eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for the arrest of criminals without the limits of the state for the 56th and 57th fiscal years. Arrest of criminals, deficiency.

SEC. 2. The state controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 30.

An act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners and insane for the 56th, 57th and 58th fiscal years.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for the transportation of prisoners and insane for the 56th, 57th and 58th fiscal years. Transportation of prisoners, deficiency.

SEC. 2. The state controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 31.

An act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Police department. senior rights in assignment of duty.

SECTION 1. Whenever a member of a paid police department of any county, city and county, city or town shall have served ten years as a member of such police department, he shall be entitled to senior rights in assignment of duties, and shall be entitled to day work in preference to members of such department, who have served less than ten years.

SEC. 2. This act shall take effect immediately.

CHAPTER 32.

An act to amend an act entitled "An act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Said act is hereby amended by adding two new sections thereto, to read as follows:

Preston School of Industry.

Plans and estimates must receive sanction of trustees.

No other sanction required.

Auditing of bills.

Section 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive a sanction of a majority of the board of trustees of the Preston School of Industry, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this act shall be exempt from the provisions of any other act or acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned, and the directions herein shall be exempt from the provisions of the act, entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23d, 1876. All bills for improvements, repairs and constructions shall first be audited by the board of trustees of the Preston School of Industry and be approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect immediately.

CHAPTER 33.

An act to amend an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter county," approved March 20, 1874.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Section 1. Said Levee District Number One shall be bounded as follows: Commencing at the water side of the base of the levee as built by Levee District Number One, at a point where the section line between sections 22 and 27, township 13 north, range 3 east, M. D. M., produced easterly, intersects said water base of said levee; thence northerly along the line of the water base of said levee, following the meanders thereof, to the point of intersection with the water base of the levee as now being built by dredge for Levee District Number One, said point of intersection being at or near the point where the north line of section 10, township 14 north, range 3 east, M. D. M., produced; would cross said levee; thence northerly along the water base of dredge built levee and following the meanders thereof to the right bank of Feather river at a point known as Shanghai Bend; thence northerly along the right bank of the Feather river and following the meanders thereof to the south line of Bridge street in the town of Yuba City; thence northerly along the water base of the levee, following the meanders thereof, to the northern boundary line of section 10, township 15 north, range 3 east, M. D. M.; thence west to the northwest corner of said section 10; thence south to the northeast corner of section 21; thence west to the northeast corner of section 20; thence south to the southeast corner of said section 20; thence west to the northwest corner of section 30; thence south to the northeast corner of section 12, township 14 north, range 2 east, M. D. M.; thence west to the northwest corner of section 11; thence south to the southwest corner of section 26; thence east one fourth of a mile; thence south one mile; thence east three fourths of a mile to the southwest corner of section 36; thence north one fourth of a mile; thence east one half of a mile; thence north one fourth of a mile; thence east one fourth of a mile; thence south one half of a mile; thence west one half of a mile; thence south one half of a mile; thence west one half of a mile; thence south one half of a mile; thence west one fourth of a mile to the quarter section corner between sections 2 and 11, township 13 north, range 2 east, M. D. M.; thence south to the quarter section corner between sections 14 and 23, township 13 north, range 2 east, M. D. M.;

Levee
District
No 1.

Bound-
aries.

thence east to the northeast corner of section 20, township 13 north, range 3 east, M. D. M.; thence south one mile; thence east two and one half miles; thence south one fourth of a mile; thence east to the water base of the levee of said Levee District Number One; thence northerly and following the water base of said levee, one fourth of a mile, more or less, to the point of beginning.

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

Elections,
when and
how held.

Section 5. All elections hereafter held in said levee district for the election of directors and assessor shall be held at the same time and places within said levee district as the general state and county elections are held, and be conducted by the same election boards as shall hold and conduct such general elections, but separate ballot boxes and separate poll lists shall be provided and kept for such elections for district officers, and separate returns thereof shall be made to the board of supervisors, and shall be by them canvassed and disposed of as provided in section two of this act. No tax collector shall hereafter be elected for said district, but the county treasurer of Sutter county shall be ex-officio tax collector of said district, upon his taking the usual oath and entering into proper bonds to said district in such amount as the board of directors may require, and with sufficient sureties to be approved by said board, conditioned for the faithful performance of his official duties as such tax collector, and filing the same with the clerk of said board; *provided* that should such bond not be so filed on or before the first Monday in January next succeeding the election of said county treasurer, the office of tax collector shall be vacant. Should a vacancy occur in the office of tax collector of said district, it shall be filled by appointment by the board of directors, and such appointee shall take the oath and give bond as aforesaid, and thereafter hold such office during the pleasure of the board of directors, but not later than the first Monday in January following the next succeeding general election for county officers in Sutter county. Should a vacancy occur in the board of directors, such vacancy shall be filled by appointment by the remaining members of the board, and such appointee shall qualify and thereafter hold such office until the next succeeding general election for state or county officers, when his successor shall be elected for the remainder of the term. Should a vacancy occur in the office of assessor it shall be filled by appointment by the board of directors.

County
treasurer,
ex-officio
district tax
collector.

Vacancies,
how filled.

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

District
assessor,
oath of
office and
bond.

Section 6. The district assessor shall, before taking office, and within thirty days after his election or appointment, take the usual oath of office, and enter into a proper bond to said district, in such amount as the board of directors may require, and with sufficient sureties, to be approved by said board, conditioned for the faithful performance of his official duties, and shall file the same with the clerk of said board. He shall hold

such office until the first Monday in March following the next general election for state or county officers, at which his successor shall be elected.

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

Section 7. It shall be the duty of the district assessor, between the first Monday in March and the first Monday in July of each year, to assess at its actual cash value all the real and personal property in said district to the persons owning or claiming the same at noon on the first Monday in March of that year, and to enroll the same in separate columns upon an assessment roll to be prepared by him; but no mistake in the name of the owner or supposed owner of such property shall render the assessment thereof invalid. When said assessment roll has been completed by the assessor he shall deliver the same to the board of directors. During the time the assessment roll remains in his hands, the assessor must collect all taxes on personal property when, in his opinion, said taxes are not a lien upon real property sufficient to secure the payment of the taxes; estimating such taxes according to the rate for the previous year. He may collect such taxes by seizure and sale of any personal property owned by the person against whom the tax is assessed. The sale must be at public auction, after one week's notice of the time and place thereof given by posting in three public places in said levee district, and shall be of a sufficient amount of the property to pay the taxes and costs. For seizing or selling personal property the assessor may charge, in each case, the sum of three dollars, and mileage at the rate of twenty-five cents per mile for traveling from his office to the place of such seizure. On payment of the price bid for any property sold, the delivery thereof, with a bill of sale, vests the title thereto in the purchaser. The unsold portion of any property may be left at the place of sale at the risk of the owner, and all excess over the taxes and costs of the proceeds of any such sale, shall be paid to the owner of such property on demand. All taxes collected by the assessor shall be forthwith marked "paid" on the assessment roll, with the date of such payment, and immediately paid into the county treasury to the credit of said levee district. When a lower rate is fixed for the year in which said collection is made, the board of directors may order a warrant drawn in favor of the person from whom such collection was made, for the excess so collected.

Duty of assessor.

Taxes on personal property; seizure and sale.

Assessor's fees.

Unsold portions.

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

Section 8. The board of directors must meet on the first Monday in July of each year, to examine the assessment roll and equalize the assessment of property in said district. It must continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the third Monday in July. The board has power, after giving notice in such manner as it may by rule prescribe, to increase or lower the entire assessment roll or any assessment contained therein, so as to equalize the assessment of the property

Equalization of assessments.

contained in said roll, and make the assessment conform to the true value of the property in money. During such session the board may correct any errors, omissions, or defects in form or description in the assessment roll, and may direct the assessor to assess any property that has escaped assessment. Upon the hearing of any question arising during the course of such equalization, the board may subpoena such witnesses, and hear and take such evidence in relation to the subject pending, as in its discretion it may deem proper. The clerk shall note all alterations made in valuations or assessments, and within five days after the session have the total values, as finally equalized by the board, extended into columns, and added up. In order to find the per cent of taxes necessary to be levied, the board shall find: First—The amount necessary to pay the interest and any part of the principal that may become due for the then current year on the funded debt of said district. Second—The probable amount that may be needed for repairs, etc. Third—The amount needed for salaries, fees and delinquencies. Fourth—The amount of floating debt that it may be desirable to pay during the then current year; and from these several amounts shall find the rate per cent necessary to produce the probable fund needed for the ensuing year. The board of directors shall meet on the third Monday in September and fix such rate, and shall cause to be computed and entered in a separate money column in the assessment roll the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, and have such column footed up, showing the total amount of taxes; and thereafter said assessment roll shall be delivered by the board of directors to the tax collector of the district.

Per cent of taxes to be levied.

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

Taxes constitute a lien.

Section 9. From and after the delivery of said assessment roll to the tax collector of the district (which must not be later than the second Monday in October following the assessment), the taxes levied against any tract of land within the district shall constitute a lien thereon, and every tax upon personal property shall constitute a lien upon the real property of the owner thereof, and such taxes shall be due and payable from the owner of such land immediately, and in any action brought to collect such tax, or to enforce such lien, the district assessment roll, or a copy of any assessment thereon, certified by the district tax collector, shall be prima facie evidence of the matters therein contained, that the assessment of said property, and the equalization thereof, and the levy of such taxes, were legally made, and that the officers making the same were duly authorized by law to make the same. If such taxes be not paid before noon of the first Monday in January next succeeding, the same shall then become delinquent, and the tax collector shall add thereto a penalty of ten per cent, which shall also become due and payable from the owner and a lien upon said land, and a cause of action shall then accrue for such taxes

Delinquent taxes.

and penalty. At any time thereafter the board of directors may commence and maintain a civil action in the name of the district for the recovery of such delinquent taxes and penalty, with legal interest thereon and costs, and for the enforcement of the lien thereof on the land assessed in the superior court of the county of Sutter. For the information of the board the district tax collector shall, whenever required, furnish said board with a complete list of all delinquent taxes, and of the persons owing the same, and with a certified copy of any assessment contained in the assessment roll. In such action any person holding or claiming any interest in the land upon which such taxes were levied, or who is a proper or necessary party to a complete determination of any question involved in the action, may be joined as defendant. Notice of the pendency of such action may be filed in the office of the county recorder of Sutter county at any time after such action is commenced, containing the matters required by section four hundred and nine of the Code of Civil Procedure of California, and with like effect as in other actions affecting real property; and, except as herein otherwise provided, the rules governing civil procedure in other actions, as expressed in said code, shall prevail in such action. In such action the court may decree and adjudge a lien against the land for the amount of taxes levied against the same and against the personal property of the owner thereof, together with the delinquent penalty and all costs of suit, which costs shall include reasonable attorneys' fees, to be fixed by the court, and may order the land to be sold as in other cases, to satisfy such lien. All taxes, penalties and costs collected by virtue of this act shall be forthwith paid into the treasury of Sutter county.

Actions to recover.

Who may be joined as defendants.

Procedure.

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

Section 10. Upon receipt of any money from the tax collector of the district, the county treasurer of Sutter county shall place the same to the credit of the Levee District Number One fund, from which he shall set apart a sum sufficient to pay the interest and such part of the principal as may become due during the current fiscal year on any bonded indebtedness of the district, and shall pay the same out in accordance with the law under which such bonds were issued; the remainder of such Levee District Number One fund shall be paid out only on warrants in accordance with sections thirteen and fourteen of an act entitled "An act to provide for the protection of certain lands in Sutter county from overflow," approved March 25, 1868; *provided*, that warrants presented and registered as not paid for want of funds shall bear only six per cent interest per annum from date of registration.

Levee district fund.

SEC. 8. Section eleven of said act is hereby amended so as to read as follows:

Section 11. The directors shall receive an annual compensation of one hundred dollars for their services as such directors. The assessor shall receive three dollars per day while in the discharge of his official duties, and six per cent on all

Compensation of district officers.

personal property taxes collected by him. The district tax collector shall be entitled to receive one per cent. on all moneys collected and paid into the county treasury by him for the use of the district; and the election officers shall receive for their services such sum as the board of directors shall deem just and reasonable.

SEC. 9. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 10. This act shall take effect immediately.

CHAPTER 34.

An act making an appropriation to pay the claim of C. W. R. Koke for services performed at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, (the payment of which claim has been approved by the state board of examiners in accordance with the provisions of law).

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Claim of
C. W. R.
Koke,
appropriation to pay.

SECTION 1. The sum of one hundred seventy-three and thirty one-hundredths dollars (\$173.30) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of C. W. R. Koke for services performed at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906 (the payment of which claim has been approved by the state board of examiners in accordance with the provisions of law).

SEC. 2. The state controller is hereby directed to draw his warrant for the said sum of one hundred seventy-three and thirty one-hundredths dollars (\$173.30) in favor of said C. W. R. Koke, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 35.

An act to provide for the issuance of duplicates of bonds, warrants and other municipal securities which have become defaced or mutilated.

[Approved February 23. 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever it shall be made to appear to the legislative body of any county, city and county, city, town, irrigation district, school district or other municipal corporation, by clear and unequivocal proof, that any bond, warrant, or other evidence of indebtedness of said county, city and county, city, town, irrigation district, school district, or other municipal corporation has, without bad faith upon the part of the owner, been so mutilated or defaced as to impair its value to the owner, and such instrument is capable of being identified by number and description, such legislative body shall, under such regulations and with such restrictions as to time and retention for security or otherwise, as it may prescribe, and upon the conditions hereinafter provided, issue or cause to be issued a duplicate thereof, having the same time to run, bearing like interest, and having the same number as the evidence of indebtedness so proved to have been mutilated or defaced.

Mutilated municipal bonds, duplicates may be issued.

SEC. 2. The owner of such bonds or other evidences of indebtedness desiring to have issued duplicates for the same, shall make a written application therefor to the legislative body of such municipal corporation, setting forth the facts provided by section 1, and shall accompany such request with a deposit of such sum of money as shall be deemed sufficient by such legislative body to cover the cost of printing or lithographing, or otherwise preparing such duplicate, and all other expenses connected with the issuance thereof, and if required by such legislative body, shall also file therewith a bond in such sum as may be required, with good and sufficient sureties, to be approved by such legislative body, with condition to indemnify and save harmless such municipal corporation from any claim upon such mutilated or defaced security.

Procedure to procure duplicates.

SEC. 3. The legislative body of such municipal corporation shall thereupon pass a resolution, setting forth the fact of said application and the compliance with the conditions herein prescribed, and with such further conditions as shall have been required by said legislative body in accordance herewith, and directing the officer or officers who had charge, in the first instance, of causing to be printed, lithographed, or otherwise prepared the original bond, warrant, or other evidence of indebtedness, to cause to be issued a duplicate thereof, as herein provided. Such duplicate bond, warrant, or other evidence of indebtedness shall be signed by the same officers, and issued in all respects as nearly as possible as the original instrument,

Duty of municipal legislature.

Cancellation of original security.

and when so prepared and issued shall be delivered in exchange for the original bond, warrant, or other evidence of indebtedness, *provided*, that no exchange shall be made unless such defaced or mutilated bond, together with any coupons thereon for which duplicates shall be issued in accordance with this act, shall be capable of identification, and shall first be surrendered by the owner thereof. When surrendered, the legislative body of such municipal corporation shall cause proper record to be made of the cancellation of such original security, and thereafter the duplicate issued in accordance with the provisions of this act, shall have all the force, effect and validity of the original evidence of indebtedness.

SEC. 4. This act shall take effect immediately.

CHAPTER 36.

An act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge but no provision is made for the appointment or election of such police judge.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Authority to appoint police judge.

SECTION 1. That in all municipalities having a freeholders' charter, which provides for a police court to be presided over by a police judge but makes no provision for the election or appointment of a police judge, the board of trustees or council of such municipalities shall have authority to make an appointment to fill such office.

Term of office.

SEC. 2. The person so appointed must be an elector of the municipality and shall hold office during the existence of the board of trustees or council appointing him and until his successor in office shall have been appointed and qualified.

SEC. 3. All acts or portions of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect immediately.

CHAPTER 37.

An act to amend section eleven hundred and seventy-four of the Code of Civil Procedure of the State of California, relating to the verdict of the jury, and judgment of the court, in forcible entry, or forcible or unlawful detainer cases.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1174. If, upon the trial, the verdict of the jury, or, if the case be tried without a jury, the finding of the court be in favor of the plaintiff and against the defendant judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement. The jury or the court, if the proceeding be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. Judgment against the defendant guilty of the forcible entry, or forcible or unlawful detainer may be entered in the discretion of the court either for the amount of the damages and rent found due, or for three times the amount so found. When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate; but if payment as here provided be not made within the five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

SEC. 2. This act shall take effect and be in force on and after its passage.

Judgment,
what it
shall
declare.

Assess-
ment of
damages.

Execution.

Satisfac-
tion of
judgment.

CHAPTER 38.

An act to amend sections four, six, seven, and nine of an act entitled "An act to define the boundary and provide for the government of Levee District Number Six of Sutter county, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

[Approved February 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Levee
District
No. 6.

SECTION 1. Section four of an act entitled "An act to define the boundary and provide for the government of Levee District Number Six of Sutter county, California," approved March thirty-first, eighteen hundred and ninety-one, is hereby amended so as to read as follows:

Term of
office.

Section 4. The term of office of directors is three years, except as provided in section three hereof, and of assessor and tax collector two years; but each of said officers elected shall hold office until his successor is elected or appointed, and has qualified. Should a vacancy occur in the board of directors, or in the office of assessor, or of tax collector, such vacancy shall be filled by appointment by the board of directors, or by the remaining members thereof, and the person so appointed shall hold such office for the remainder of the unexpired term.

Vacancy.

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

Oath of
office and
bond.

Section 6. Every officer elected or appointed hereunder shall, within thirty days after his election or appointment, take the usual oath of office, and file the same in the office of the county clerk, and said assessor and tax collector shall each, within the same period, enter into a proper bond in the sum of one thousand dollars, payable to said Levee District Number Six, conditioned for the faithful performance of his duties. Said bonds must be approved by the chairman of the board of directors, and filed with the clerk thereof.

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

District
assessor's
duty of.

Section 7. It shall be the duty of the district assessor, between the first Monday in March and the first Monday in July of each year to assess at its actual cash value all real property in said district to the persons owning or claiming the same at noon on the first Monday in March of that year, and to enroll the same upon an assessment roll to be prepared by him; but no mistake in the name of the owner or supposed owner of such real property shall render the assessment thereof invalid. When said assessment roll has been completed by the assessor he shall deliver the same to the board of directors.

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

Section 9. From and after the delivery of said assessment roll to the tax collector of the district (which must not be later than the second Monday in October following the assessment), the taxes levied against any tract of land within the district shall constitute a lien thereon, and shall be due and payable from the owner of such land immediately, and in any action brought to collect such tax or to enforce such lien, the district assessment roll, or a copy thereof, certified by the district tax collector, shall be prima facie evidence of the matters therein contained, that the assessment of said land, and the equalization thereof, and the levy of said taxes, were legally made, and that the officers making the same were duly authorized by law to make the same. If such taxes be not paid before noon of the first Monday in January next succeeding, the same shall then become delinquent, and the tax collector shall add thereto a penalty of ten per cent, which shall also become due and payable from the owner, and a lien upon said land, and a cause of action shall then accrue for such taxes and penalty. At any time thereafter the board of directors may commence and maintain a civil action in the name of the district for the recovery of such delinquent taxes and penalty, with legal interest thereon, and costs, and for the enforcement of the lien thereof on the land assessed, in the superior court of the county of Sutter. In such action, any person holding or claiming any interest in the land upon which such taxes were levied, or who is a proper or necessary party to a complete determination of any question involved in the action, may be joined as defendant. Notice of the pendency of such action may be filed in the office of the county recorder of Sutter county at any time after such action is commenced, containing the matters required by section four hundred and nine of the Code of Civil Procedure of California, and with like effect as in other actions affecting real property; and except as herein otherwise provided, the rules governing civil procedure in other actions as expressed in said code shall prevail in such action. In such action the court may decree and adjudge a lien against the land, for the amount of taxes levied against the same, together with the delinquent penalty and all costs of suit, and may order the land to be sold as in other cases, to satisfy such lien. All taxes, penalties and costs collected by virtue of this act shall be forthwith paid in to the treasury of Sutter county, and placed to the credit of Levee District Number Six, and shall thereafter be paid out only in the manner hereinafter provided.

SEC. 5. This act shall take effect from and after its passage.

Taxes,
when due.

Delin-
quent
taxes.

Actions for
recovery
of taxes.

Taxes,
where
credited.

CHAPTER 39.

An act to amend section eight hundred and twenty-seven of the Civil Code of the State of California, relating to changing terms of lease.

[Approved February 26, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 827 of the Civil Code is hereby amended so as to read as follows:

Change of
terms of
lease,
notice of.

827. In all leases of lands or tenements, or of any interest therein, from month to month, the landlord may, upon giving notice in writing at least thirty days before the expiration of the month, change the terms of the lease to take effect at the expiration of the month. The notice, when served upon the tenant, shall of itself operate and be effectual to create and establish, as a part of the lease, the terms, rent, and conditions specified in the notice, if the tenant shall continue to hold the premises after the expiration of the month.

SEC. 2. This act shall take effect and be in force immediately after its passage.

CHAPTER 40.

An act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery and livestock, and for paying the operating expenses of the University farm at Davisville in Yolo county, and for the conduct of the experimental work and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith and appropriating money for such purpose.

[Approved February 26, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Buildings
for school
of agri-
culture,
appropri-
ation for.

SECTION 1. The sum of \$132,000 is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be paid to the regents of the University of California to be used by them for the purpose of equipping and furnishing the dairy building and livestock pavilion constructed or to be constructed on the university farm in Yolo county; the erection and equipment of a dormitory building, the construction of necessary cottages, livestock barns and buildings,

of green houses and propagating houses for horticultural and viticultural purposes, the erection of necessary fences, the purchase of livestock and dairy and farm machinery and for paying the cost of the experimental work and the operating expenses of the school of agriculture to be maintained and conducted on said university farm.

SEC. 2. One half of the sum hereby appropriated shall be payable July 1st, 1907, and the remaining one half on the first day of January, 1908.

CHAPTER 41.

An act to amend section five of an act approved March 11th, eighteen hundred and ninety-seven, entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," as amended by an act approved March 20th, nineteen hundred and five, omitting the provision for an adjutant.

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section five of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state, as amended by an act approved March 20th, nineteen hundred and five, is hereby amended so as to read as follows:

Section 5. The board of directors appointed for the term beginning July 1st, nineteen hundred and five, upon qualifying, shall meet and organize by electing one of its members as president and one of its members as vice-president of said board, each of whom shall hold office for the term of two years, and their successors shall be elected in like manner every two years thereafter. The term of office and service of all the present officers and employes of said home shall expire and their salaries shall cease, on said first day of July, nineteen hundred and five. Said board of directors at its first meeting in July, nineteen hundred and five, shall elect a commandant, a secretary, a treasurer, a surgeon, an assistant surgeon, and a quartermaster and commissary, who shall reside at the home,

Veterans' Home.

Organization of board of directors.

Expired terms of office.

Officers.

Term of office. none of whom shall be members of the said board of directors, each of whom shall hold office for the term of two years, from the first day of July, nineteen hundred and five, and their successors shall be elected in like manner every two years thereafter. All other employes of said home shall be appointed by the said board and their term of employment shall commence July first, nineteen hundred and five, to hold at the pleasure of the board. The board of directors shall have

Power of removal. power to remove any officer elected by it, for cause, after a full and fair hearing before said board. All vacancies, whether occurring from death, resignation or removal, shall be filled by said board of directors for the unexpired term. Before

Oath of office and bond. entering upon the discharge of their duties all the officers named above shall take the oath of office and each shall file with the board an undertaking in such an amount as the board may determine, and conditioned upon the faithful discharge of his duties. Said undertaking shall be signed and executed by two sufficient sureties to be approved by the said board, or may at the discretion of said board be the undertaking of some authorized surety company. The duties of all officers and

Duties. employes appointed by the board shall be prescribed by the board, and the same may be changed from time to time by a majority vote of said board. The board shall fix the compensation of all its appointees and employes and may change the same from time to time at its discretion.

Compensation of employes.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 42.

An act to amend section nine hundred and thirty-nine of an act entitled "An act to establish a Code of Civil Procedure."

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine hundred and thirty-nine of an act entitled "An act to establish a Code of Civil Procedure" is hereby amended so as to read as follows:

Appeals,
when may
be taken.

939. An appeal may be taken:

1. From a final judgment in an action, or special proceeding, commenced in the court in which the same is rendered, within six months after the entry of judgment. But an exception to the decision, or verdict, on the ground that it is not supported by the evidence, cannot be reviewed on an appeal from the judgment, unless the appeal is taken within sixty days after the entry of the judgment;

2. From a judgment rendered on appeal from an inferior court, within ninety days after the entry of such judgment;

3. From an order granting or refusing a new trial; from an order granting or dissolving an injunction; from an order refusing to grant or dissolve an injunction; from an order appointing a receiver; from an order dissolving or refusing to dissolve an attachment; from an order granting or refusing to grant a change of the place of trial; from any special order made after final judgment; from an interlocutory judgment, order, or decree hereafter made or entered in any action for divorce or to redeem real or personal property from a mortgage thereof, or lien thereon, determining such right to redeem and ordering an accounting; from an interlocutory judgment in actions for partition of real property; and from an order confirming, changing, modifying, or setting aside the report, in whole or in part, of the referees in actions for partition of real property in the cases mentioned in section seven hundred and sixty-three of this code, within sixty days after the order or interlocutory judgment is made and entered in the minutes of the court, or filed with the clerk.

CHAPTER 43.

An act to amend section fifteen hundred and eighty-one of the Political Code of the State of California, relating to the formation of new school districts.

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1581. After the making of an order by the board of supervisors creating a new district, the school must be opened therein not later than the second Monday of September following the date on which said order was made; otherwise said order shall be null and void.

Order
creating
new school
district
void
in certain
event.

CHAPTER 44.

An act to amend an act entitled "An act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of said act, is amended so as to read as follows:

Leaves of
absence of
police
officers,
with pay.

Section 1. In every city or city and county of this state where there is a regular organized paid police force, the board of supervisors, common council, commissions or other body having the management and control of the same must once in every year provide for granting every member thereof a leave of absence from active duty for a period of fifteen days. Leaves of absence so granted must be arranged by said board or commission so as not to interfere with the police protection of any such city, or city and county; and leaves of absence granted in case of sickness or in consideration of wounds or injuries received while in the discharge of duty shall not be construed to be or become a part of the leave of absence provided for by this act. No deduction must be made from the pay of any police officer granted leave of absence under the provisions of this act.

SEC. 2. This act shall take effect immediately.

CHAPTER 45.

An act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session.

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Legislative
printing,
appropriation
for.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty-five thousand (35,000) dollars, or so much thereof as may be necessary, for the support of the state printing office, the same to be used to pay the expenses of legislative printing for the thirty-seventh session.

SEC. 2. This act shall take effect immediately.

CHAPTER 46.

An act to add a new section to the Political Code, to be numbered section 2656, and relating to the division of general road funds, upon the incorporation of municipalities, or annexation to municipalities.

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered section 2656, and to read as follows :

2656. Whenever any territory is included in a city, or incorporated town, or city and county, either at the original incorporation of such city, incorporated town or city and county, or by annexation thereto subsequently, and such territory shall have constituted a road district, or a part of a road district, it shall be the duty of the county board of supervisors, as soon as practicable after such incorporation or annexation, to ascertain how much of the unexpended moneys in the general road fund or of the highway taxes of all kinds then levied and in the course of collection, is derived from property situate or persons residing in such territory; and they shall cause the amount so ascertained to be paid to the proper officers of such city, incorporated town, or city and county, as soon as practicable after it shall have come into the general road fund. The sum or sums so paid over to such city, incorporated town, or city and county, shall become part of the general fund of such city, incorporated town, or city and county.

Road funds: division of, in certain event.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 47.

An act to amend an act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections 1, 3, 5, 12, 14, 16, and 17 and by adding a new section thereto.

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to regulate the practice of optometry, and for the appointment of a

board of examiners in the matter of said regulation," approved March 20, 1903, is hereby amended so as to read as follows:—

Practice of
optometry
defined.

Section 1. The practice of optometry is defined as follows, namely: The employment of subjective or objective methods or means to determine the accommodative and refractive state of the eye and the scope of its functions in general.

SEC. 2. Section three of an act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, is hereby amended so as to read as follows:—

Board of
examiners
in
optometry.

Section 3. There is hereby created a board, whose duty it shall be to carry out the purposes and enforce the provisions of this act, and shall be styled the California State Board of Examiners in Optometry. Said board shall be appointed by the governor as soon as practicable after the passage of this act, and shall consist of three persons actually engaged in the practice of optometry and residing in the State of California. Each member of said board shall hold office for a term of six years, one member of the board to retire every two years, but members shall hold office until their successors are appointed and qualified. Appointments to fill vacancies caused by death, resignation or removal, shall be made for the residue of such term by the governor. The members of said board, before entering upon their duties, shall respectively take and subscribe to the oath required to be taken by other state officers, and filed with the clerk of the county in which said member resides and said board shall have a common seal.

SEC. 3. Section five of an act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, is hereby amended to read as follows:—

Examina-
tions.

Section 5. Every person before beginning to practice optometry in this state, after the passage of this act, shall pass an examination before said board of examiners. Such examination shall be confined to such knowledge as said board deems essential to the practice of optometry. Any person having signified to said board his desire to be examined by them, must fill out and swear to the application furnished by the board, and shall appear before them at such time and place as they may designate, and before beginning such examination, shall pay to the secretary of said board the sum of twenty dollars, and if he shall successfully pass such examination, shall pay to said secretary for the use of said board a further sum of five dollars, on the issuance to him of a certificate. All persons successfully passing such examinations shall be registered in the board register, which shall be kept by said secretary, as licensed to practice optometry, and shall receive a certificate of such registration to be signed by the president and secretary of said board, which shall be filed as hereinbefore provided.

SEC. 4. Section twelve of an act entitled "An act to regulate the practice of optometry and for the appointment of

a board of examiners in the matter of said regulation," approved March 20, 1903, is amended to read as follows:—

Section 12. Every registered optometrist who desires to continue the practice of optometry in this state, shall annually, on or before the first day of August of each year, pay to the secretary of said board, a registration fee to be fixed by the board, but which shall in no case exceed the sum of five dollars per annum, for which he shall receive a renewal of said registration; and in case of default of such payment, by any person, his certificate shall be revoked by the board of examiners, under twenty days notice of the time and place of considering such revocation. But no certificate shall be revoked for such nonpayment if the person so notified shall pay before or at such time of consideration his fee and such penalty as may be imposed by said board, *provided* that said board may impose a penalty of \$10.00 and no more, upon persons so notified, as a condition of allowing his certificate to stand valid; *provided further*, that said board may collect any such fines by suit.

Annual registration fee

SEC. 5. Section fourteen of an act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, is hereby amended to read as follows:—

Section 14. Any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty dollars, nor more than two hundred dollars, or shall be confined not less than one month, nor more than three months in the county jail; or fined not less than fifty dollars, nor more than two hundred dollars, and imprisoned not less than one month, nor more than three months in the county jail, and in default of payment of said fine, shall be imprisoned in the county jail at the rate of one day for every two dollars of the fine so imposed, and all fines thus received, shall be paid to the secretary of the board for the purposes of the enforcement of this act.

Violations of act.
Penalty.

SEC. 6. Section sixteen of an act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, is hereby amended to read as follows:—

Section 16. Nothing in this act shall be construed to apply to physicians and surgeons authorized to practice under the laws of the State of California, nor to persons who sell spectacles or eye-glasses in the ordinary course of trade, who do not attempt to employ subjective or objective methods, or means, to determine the accommodative or refractive states of the eye.

Does not apply to physicians.

SEC. 7. Section seventeen of an act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, is amended to read as follows:—

Section 17. It shall be unlawful for the board of examiners in optometry to grant a certificate to any one in the State of California under legal age.

Licensee to be of legal age.

CHAPTER 48.

An act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriations for the same.

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Southern
California
State
Hospital.
Appropriation
for
slate
roofing.

SECTION 1. The sum of sixteen 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 paid to the board of managers of the Southern California State Hospital, to be by them expended as follows: For replacing the present wood and tin roofs on the older main buildings in use at such hospital with modern slate roofing material, so as to effectually prevent leaking, and replace ceilings, damaged by leaks.

Duty of
controller.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 49.

An act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Southern
California
State
Hospital.
Appropriation
for
storm
channels.

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital to be by them expended as follows: For the construction of storm channels and ditches of stone and cement on the lands of the Southern California State Hospital at Patton, and along the highways adjacent thereto, for the

purpose of collecting and diverting storm waters, which flow on, across and through said lands in times of storm, and to conduct the same around and away from said lands to other storm channels or natural water courses.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same. Duty of controller.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 50.

An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts or parts of acts in conflict with this act.

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. All moneys in the state treasury belonging to the state not immediately required to meet current expenditures may be deposited by the state treasurer to the credit of the state in such state or national bank, or banks, in the state, as the treasurer, with the approval of the governor and state controller, shall select for the safe-keeping of such deposits, and any sum so deposited shall be deemed to be in the state treasury; *provided*, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided, *and provided further*, that such depository bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per cent per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner, as the treasurer, with the approval of the governor and state controller, shall direct; *provided*, that not more than one tenth of the aggregate amount of state moneys available for deposit and on deposit shall be deposited in any one bank, *and provided further*, that such deposit shall not exceed twenty-five per cent of the paid-up capital, exclusive of reserve and surplus, of any depository bank. Any and all bids may be rejected by the treasurer, with the approval of the governor and state controller, and new bids asked for. The expense of transportation of moneys to and from the state treasury to such depositories shall be borne by such depositories. Said deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the

Deposit of state moneys in banks.
Security.
Interest.
Amount to be deposited.
Expense of transporting moneys.

state treasurer, or upon presentation of a certificate of deposit properly indorsed.

Interest,
when
payable.

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

School
moneys.

Security
of funds
deposited.

SEC. 3. For the security of the funds deposited by the state treasurer under the provisions of this act, there shall be deposited with the treasurer bonds of the United States, or of this state, or of any county, municipality or school district within this state, which bonds shall be approved by the governor, controller and treasurer, to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks; and if in any case, or at any time, such bonds are not deemed satisfactory security to the governor, controller and treasurer, they may require such additional security as may be satisfactory to them. Said bonds or any part thereof may be withdrawn on the written consent of the governor, controller and treasurer; *provided*, that a sufficient amount of said bonds to secure said deposits shall always be kept in the treasury; and in the event that said bank or banks of deposit shall fail to pay such deposits or any part thereof on the demand of the state treasurer, or upon any presentation of a certificate of deposit properly indorsed, then it shall be the duty of the state treasurer to forthwith convert said bonds into money and to disburse the same according to law; *provided, however*, that he shall sell no bonds for less than their face value except at public sale after ten days' printed notice in some newspaper of general circulation published in the county where the sale is to take place.

Provisions
of
contract.

SEC. 4. The treasurer shall take from such depository or depositories a written contract, in duplicate setting forth the conditions and terms upon which the funds of the state are deposited therewith, one of which shall be filed with the controller. One provision of said contract shall be that each depository shall at the end of each month render to the treasurer a statement in duplicate showing the daily balances or amount of money of the state held by it during the month and the amount of the accrued interest thereon separately, one of which shall be filed by the treasurer with the controller. The treasurer shall annually on the first day of July furnish each depository bank with a statement showing the amount and description of the bonds on deposit with him by such bank to secure state deposits.

Treasurer's
annual
statement
to banks.

Indemnity
bonds.

SEC. 5. The treasurer, with the approval of the governor and controller, shall, if in his judgment it shall appear necessary for the security of the state, require said banks of deposit

to give an indemnity bond, the sureties on which shall not be interested as stockholders in said bank or banks, to be approved by the governor, controller and treasurer, to secure the state against loss by any depreciation in value that may occur in such bonds held by him as security for the safe-keeping and prompt payment of the state moneys in such depositories.

SEC. 6. The state treasurer shall not be responsible for any moneys deposited in a bank or in banks under the provisions of this act while the same remain there deposited with the consent of the governor and controller; but the treasurer shall be chargeable with the safe-keeping, management and disbursement of the bonds and certificates of deposit deposited with him as security for deposits of state moneys, and with the interest thereon, and the proceeds of any sale under the provisions of this act.

Treasurer
not re-
sponsible
for
deposits.

SEC. 7. At the time of depositing state moneys in any bank designated as a depository the treasurer shall take a certificate or certificates of deposits made payable to the treasurer of state in such sum or sums as he shall deem advisable. Such certificate or certificates of deposit in the possession of the treasurer shall be deemed and counted as cash by the state board of examiners. Controller's warrants drawn upon the state treasury may be paid by such certificates of deposit when properly indorsed by the treasurer the same as in cash.

Certifi-
cates of
deposit.

Warrants
paid by
cer-
tificates.

SEC. 8. The act of March 20, 1905, entitled "An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts or parts of acts in conflict with this act," and all other acts or parts of acts in conflict with this act are hereby expressly repealed.

Act of 1905
repealed.

CHAPTER 51.

An act to amend section nine hundred and twenty-four of the Code of Civil Procedure, relating to costs in justices' courts.

[Approved February 28, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

924. The prevailing party in the justices' courts is entitled to costs of the action, and also of any proceedings taken by him in aid of an execution, issued upon any judgment recovered therein. In actions for the recovery of wages for labor performed, the court shall add, as part of the costs, in any judgment recovered by the plaintiff, an attorney' fee not exceeding twenty per cent of the amount recovered.

Costs in
justices'
courts.

Attorney's
fee.

CHAPTER 52.

An act amending section 1665 of the Political Code of the State of California, relating to studies to be taught in the primary and grammar schools.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1665 of the Political Code of the State of California is hereby amended so as to read as follows:

Primary
and
grammar
schools.
Course of
study.

1665. Instruction must be given in the following branches in the several grades in which they may be required, viz.: Reading, writing, orthography, arithmetic, geography, nature study, with special reference to agriculture, language and grammar, with special reference to composition; history of the United States and civil government; elements of physiology and hygiene, with special reference to the effect of alcohol and narcotics on the human system; music, drawing, and elementary bookkeeping, humane education and, when competent teachers thereof can be secured and there are sufficient funds in the district to pay their salaries, manual training and domestic science; *provided*, that instruction in elementary bookkeeping, humane education, elements of physiology and hygiene, music, drawing, and nature study may be oral, no text-books on these subjects being required to be purchased by the pupils; *provided further*, that county boards of education may, in districts having less than one hundred census children, confine the pupils to the studies of reading, writing, orthography, arithmetic, language and grammar, geography, history of the United States and civil government, elements of physiology and hygiene, and elementary bookkeeping until they have a practical knowledge of these subjects; *and it is further provided*, that no more than twenty recitations per week shall be required of pupils in the secondary schools, and no pupil under the age of fifteen years in any grammar or primary school shall be required to do any home study.

Oral study.

Restrictions on
number of
recita-
tions.

CHAPTER 53.

An act to amend section 1532 of the Political Code relating to duties of the superintendent of public instruction.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1532. It is the duty of the superintendent of public instruction: General duties.

First—To superintend the schools of this state.

Second—To report to the governor, on or before the fifteenth day of September preceding each regular session of the legislature, a statement of the condition of the state normal schools and other educational institutions supported by the state and of the public schools. Biennial report.

Third—To accompany his report with tabular statements, showing the number of school children in the state; the number attending public schools, and the average attendance; the number attending private schools, and the number not attending schools; the amount of state school fund apportioned, and the sources from which derived; the amount raised by county, city and county and district taxes, or from other sources of revenue, for school purposes; and the amount expended for salaries of teachers, for building school houses, for district school libraries, and for incidental expenses. School statistics.

Fourth—To apportion the state school fund; and to furnish an abstract of such apportionment to the state controller, the state board of examiners, and to the county and city and county auditors, county and city and county treasurers and to the county and city and county school superintendents of the several counties of the state. In apportioning said fund he shall apportion to every county and to every city and county two hundred fifty dollars for every teacher determined and assigned to it on school census by the county or city and county school superintendent for the next preceding school year, as required of the county or city and county school superintendent by the provisions of section 1858 of this code, and after thus apportioning two hundred fifty dollars on teacher or census basis, he shall apportion the balance of the state school fund to the several counties or cities and counties according to their average daily attendance as shown by the reports of the county or city and county school superintendents for the next preceding school year. Apportion school fund.

Fifth—To draw his order on the controller in favor of each county or city and county treasurer for school moneys apportioned to the county or city and county. Orders on controller.

Furnish
blanks and
books.

Sixth—To prepare, have printed, and furnish all officers charged with the administration of the laws relating to the public schools, and to teachers, such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by county and city and county boards of education.

School
laws.

Seventh—To have the laws relating to the public schools printed in pamphlet form, and to supply school officers and school libraries with one copy each.

Visit or-
phanages.

Eighth—To visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction therein.

Visit
schools.

Ninth—To visit the schools in the different counties, and inquire into their condition; and the actual traveling expenses thus incurred *provided*, that they do not exceed eighteen hundred dollars per annum shall be allowed, audited, and paid out of the general fund in the same manner as other claims are audited and paid.

Seal.

Tenth—To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

Bind
reports.

Eleventh—To have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him.

Report to
controller.

Twelfth—To report to the controller, on or before the tenth day of August of each year, the total number of children in the state between the ages of five and seventeen years, as shown by the latest reports of the county and city and county superintendents on file in his office.

Succession.

Thirteenth—To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 54.

An act to amend section three thousand four hundred and seventy-one of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3471 of the Political Code is hereby amended to read as follows:

3471. The trustees of any reclamation district in which the by-laws have been filed, may acquire rights of way for canals, drains, embankments, and other works necessary to the reclamation of the lands in the district, and may take materials for the construction, maintenance and repair thereof; such rights of way and materials may be acquired outside of as well as within the limits of the district by purchase or donation, or the trustees may proceed under the provisions of Title VII, Part III, of the Code of Civil Procedure, for the condemnation thereof in the name of the district.

Acquisition of rights of way.

Procedure.

SEC. 2. This act shall take effect and be in force immediately.

CHAPTER 55.

An act to amend section three hundred and seventy-four of the Penal Code of the State of California relating to putting dead animals in streets, rivers, etc.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred and seventy-four of the Penal Code of the State of California, is hereby amended to read as follows:

374. Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop into any river, creek, pond, reservoir, stream, street, alley, public highway, or road in common use, or who attempts to destroy the same by fire within one fourth of a mile of any city, town, or village, except it be in a crematory, the construction and operation of which is satisfactory to the board of health of such city, town, or village; and every person who puts any water-closet or privy, or the carcass of any dead

Dead animals in streets, etc.

Pollution of waters.

animal, or any offal of any kind, in or upon the borders of any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this state, so that the drainage of such water-closet, privy, carcass or offal may be taken up by or in such stream, pond, lake, or reservoir; or who allows any water-closet or privy, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any such stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him, so that the drainage from any such water-closet, privy, carcass, or offal, may be taken up by or in such stream, pond, lake, or reservoir; or who keeps any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corralled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, so that the waters thereof become polluted by reason thereof; or who bathes in any such stream, pond, lake, or reservoir; or who by any other means fouls or pollutes the waters of any such stream, pond, lake, or reservoir, is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section three hundred and seventy-seven.

Penalty.

SEC. 2. This act shall take effect from its passage.

CHAPTER 56.

An act to amend section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders and regulations of the state board of health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the state board of health.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

2984. It shall be the duty of the board of health of each municipality and incorporated town within this state, and of every chief executive health officer thereof, where there is no municipal or town board of health, to enforce within such municipality and incorporated town all orders, rules and regulations concerning health and quarantine, and the registration, certification, and reporting of births, marriages and deaths as prescribed or directed by the state board of health; and it shall be the duty of such board of health, or chief executive health officer to report in writing to the state board of health

Rules of
state board
of health:
duty of
local
boards.

on or before the fifth day of each month all infectious, contagious and communicable diseases in man or beast which shall come to their or his knowledge, upon blanks furnished by the state board of health. Said board of health or chief executive health officer, where there is no board of health, in cases of local epidemic of disease shall report to the state board of health all facts concerning the disease and the measures taken to prevent or abate its spread, infection or contagion. Every such board of health or chief executive health officer where there is no board of health, shall strictly observe and enforce within such municipality or incorporated town the provisions of "An act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act," approved March 18, 1905, and also the provisions of Chapter III, of Title VII, of Part III of the Political Code of the State of California relating to the registration, certification and reporting of marriages, births and deaths, and shall promptly report to the state board of health all violations of the state health laws and of the laws relating to the registration, certification and reporting of marriages, births and deaths which shall come to their or his knowledge.

Reports to state board.

Registration of deaths, enforcement of act for.

CHAPTER 57.

An act to amend section one thousand, five hundred and forty-three of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand, five hundred and forty-three of the Political Code of the State of California is hereby amended so as to read as follows:

1543. It is the duty of the county superintendent of each county:

First—To superintend the schools of his county.

Second—1. To apportion the school moneys to each school district, as provided in section one thousand eight hundred and fifty-eight of this code, at least four times a year. For this purpose he may require of the county auditor a report of the

Superintendent of schools, general duties.

Apportion school moneys.

amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned; and it is hereby made the duty of the auditor to furnish such report when so required; and whenever an excess of money has accumulated to the credit of a school district by reason of a large census roll and a small attendance, beyond a reasonable amount necessary to maintain a school for eight months in such district for the year, the superintendent of schools shall place said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

Suspend
district.

2. If in any school district there has been an average daily attendance of only five, or a number of pupils less than five, during the whole school year, the superintendent shall at once suspend the district, and report the fact to the board of supervisors at their next meeting. The board of supervisors, upon receiving such report from the superintendent, shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining school districts in such manner as may be by them deemed most convenient for the residents of said lapsed district.

Lapsed
districts,
sale of
property.

3. When any district has been declared lapsed, the board of supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon the superintendent shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the county auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district after all indebtedness has been paid shall be transferred by the superintendent to the credit of the district into which the said lapsed district has been merged. If the lapsed district has been attached to more than one of the adjoining districts, the superintendent must apportion the moneys remaining to the credit of the lapsed district to the several districts pro rata according to the number of school census children of the respective districts as shown by the last preceding school census. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the superintendent shall draw his requisition upon the county auditor pro rata for the several claims.

Requisi-
tions for
expenses.

Third—On the order of the board of school trustees, or board of education of any city or town having a board of education, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn unless the money is in the fund to pay it, and no requisition shall be drawn upon the order of the board of school trustees or board of education against the funds of any district except the teachers' or janitors' salaries, unless such

order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' or janitors' salaries be drawn unless the order shall state the monthly salary of teacher or janitor, and name the months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition.

The order of the board of school trustees, or board of education, shall be made only on the form of blank approved by the superintendent of public instruction, *provided*, that said blanks shall be printed and furnished to the school districts by the board of supervisors of the respective counties of the state, and when signed by at least two members of the board of trustees, or the officials authorized to sign orders for the board of education shall be transmitted to the superintendent, who shall, in case he approve said demand, endorse upon it, "Examined and approved," together with the number and date when approved, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant, or his order, who shall transmit the same to the auditor, who shall, in case he allows said demand, endorse upon it, "Allowed," together with the number and date when allowed, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant; and said demand, when so approved, and signed by the superintendent, and when so allowed and signed by the auditor, shall constitute the requisition on the auditor, and the warrant on the treasury within the meaning of this act.

Form of demands.

Approval.

Fourth—To keep open to the inspection of the public a register of requisitions, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered.

Register of requisitions.

Fifth—To visit and examine each school in his county at least once in each year. For every school not so visited the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Visit schools.

Sixth—To preside over teachers' institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of text-books, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Preside over institutes.

Seventh—He shall have power to issue, if he deem it proper to do so, temporary certificates, valid for six months, to persons holding certificates which in his judgment correspond in grade to certificates which may be issued under the provision of section 1775 of the Political Code, or to graduates of those schools of the State of California which in his judg-

Issue temporary certificates.

ment are the equivalent in scholarship required for graduation from the normal schools of California; *provided*, that no person shall be entitled to receive such temporary certificate more than once in the same county.

- Distribute laws. Eighth—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers.
- Keep reports. Ninth—To keep in his office the reports of the superintendent of public instruction.
- Record of official acts. Tenth—To keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent.
- Plans for school houses. Eleventh—Except in incorporated cities having boards of education, to pass upon and approve or reject all plans for school houses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval.
- Appoint trustees and janitors. Twelfth—To appoint trustees to fill all vacancies, to hold until the first day of July succeeding such appointment; when new districts are organized, to appoint trustees for the same, who shall hold office until the first day of July next succeeding their appointment. In case of the failure of the trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this code, he shall appoint a janitor, who shall be paid out of the school fund of the district. Should the board of school trustees of any district fail or refuse to issue an order for the compensation for such service, the superintendent is hereby authorized to issue, without such order, his requisition upon the county school fund apportioned to such district.
- Reports. Thirteenth—To make reports, when directed by the superintendent of public instruction, showing such matters relating to the public schools in his county as may be required of him.
- Delivery to successor. Fourteenth—To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which will be filed in the office of the county clerk.
- Grade schools. Fifteenth—The county superintendent shall, unless otherwise provided by law, in the month of July of each year grade each school, and a record thereof shall be made in a book to be kept by the county superintendent in his office for this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same.

CHAPTER 58.

An act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of directors of the Industrial Home of Mechanical Trades for the Adult Blind of California, is authorized and empowered to receive gifts and bequests for the benefit of the home and its inmates. Gifts and bequests.

SEC. 2. When such gifts are received and bequests made, the board of directors must inform the state board of examiners and must immediately deposit the funds given or bequeathed, with the state treasurer to be by that officer invested in interest bearing securities, and set aside in a fund to be known as the donation fund of the Blind Home. Donated funds to be invested.

SEC. 3. When said fund has accumulated to an amount sufficient to erect a building or construct other permanent improvement and addition to the facilities of the institution, as decided by the board of directors, it shall be from time to time expended for such purpose under the supervision of the state board of examiners and the board of directors of the home, and none of said fund shall be diverted or used for any other purpose. How expended.

SEC. 4. If such gift or bequest be of real property, then the same shall remain in charge of the directors of the institution and its income, if any, or its proceeds when sold by the directors, shall be deposited as provided in section 2 of this act. If such gift or bequest be in personal property other than cash or securities, then the same shall be devoted to the purposes of the institution by the directors. Gifts of realty.

SEC. 5. Provided that if any gift or bequest be made to the Blind Home for a specific purpose in harmony with the interest and purpose of the institution, the board of directors shall have the power to accept it and devote it to such specific purpose. Specific purpose gifts.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 59.

An act appropriating the sum of seven thousand dollars, for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Furniture
for Chico
State
Normal
School.

SECTION 1. The sum of seven thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be paid out by the trustees of the Chico State Normal School, in the purchase of furniture and equipment, and for the construction of cement floors and sidewalks for the use of said school.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant or warrants for the said amount in favor of the trustees of said Chico State Normal School, upon the requisition of said board, and the state treasurer is hereby ordered and directed to pay such warrant or warrants.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 60.

An act to amend section 70 of the Civil Code; and declaring that marriage may be solemnized by a justice of a district court of appeal.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Marriages,
by whom
may be sol-
emnized.

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, justice of the peace, judge of any police court, city recorder, priest or minister of the gospel of any denomination.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 61.

An act to amend an act entitled "An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this state," approved March 10, 1887, by including within the provisions of said act the badge or button of the United Spanish War Veterans of this state.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this state," approved March 10, 1887, is hereby amended to read as follows:

Section 1. Any person who shall willfully wear or use the badge or button of the Grand Army of the Republic, or of the United Spanish War Veterans, to obtain aid or assistance thereby within this state, unless he shall be entitled to wear or use the same under the rules and regulations of the Department of California, Grand Army of the Republic, or United Spanish War Veterans, respectively, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed thirty days in the county jail, or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

Army
badges,
penalty for
unlawfully
wearing.

CHAPTER 62.

An act to amend section eleven hundred and sixty of the Political Code, relating to elections and the time the polls must be opened and closed.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred and sixty of the Political Code is hereby amended to read as follows:

1160. The polls must be opened at six o'clock of the morning of the day of election, and must be kept open until six o'clock in the afternoon of the same day, when the polls shall be closed.

Time of
opening
and
closing
polls.

CHAPTER 63.

An act to amend an act entitled "An act to establish a Civil Code" approved March 21st, 1872, by amending section one hundred thirty-seven of said Civil Code relative to expense of actions, alimony, and actions for maintenance and support.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and thirty-seven of the Civil Code is hereby amended so as to read as follows:

Alimony
pending
suit for
divorce.

137. When an action for divorce is pending, the court may, in its discretion, require the husband to pay as alimony any money necessary to enable the wife to support herself and her children, or to prosecute or defend the action. When the husband willfully deserts the wife or when the husband willfully fails to provide for the wife or when the wife has any cause of action for divorce as provided in section ninety-two of this code, she may, without applying for a divorce, maintain in the superior court an action against him for permanent support and maintenance of herself or of herself and children. During the pendency of such action the court may, in its discretion, require the husband to pay as alimony any money necessary for the prosecution of the action and for support and maintenance, and execution may issue therefor in the discretion of the court. The final judgment in such action may be enforced by the court by such order or orders as in its discretion it may from time to time deem necessary, and such order or orders may be varied, altered, or revoked at the discretion of the court.

Permanent
support.

SEC. 2. This act shall take effect and be in force immediately upon its passage and approval.

CHAPTER 64.

An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section to be numbered and known as section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March thirty-first, one thousand eight hundred and ninety-one, is hereby amended by adding thereto a new section to be numbered and known as section twenty-two and one-half, and to read as follows:

Sanitary districts.

Section 22½. The boundaries of any sanitary district may be altered, and outlying contiguous territory in the same county as such sanitary district annexed thereto, in the manner following. A petition signed by the owner or owners of such contiguous territory proposed to be annexed, designating specifically the boundaries of the same and the assessed valuation thereof as shown by the last equalized assessment book of the county, and stating that such territory is not within the limits of any incorporated city, town or other sanitary district, and asking that such territory be annexed to said sanitary district, shall be presented to the sanitary board thereof.

Alteration of boundaries, manner of.

Said petition shall contain a statement of the probable cost of the necessary sanitary work to be done in such territory and of the terms and conditions under which the signers thereof are willing that such annexation be accomplished. Said petition shall be verified by the oath of each of the signers thereof.

What petition shall contain.

Considera-
tion by
sanitary
board.

At their first regular meeting after the presentation of said petition, said sanitary board shall take up and consider the same. If said petition is disapproved, such disapproval shall be entered upon the minutes of the board and no further proceedings shall be taken in regard to such annexation until a new petition is filed.

If said petition and the terms of annexation expressed therein be approved by said board, such approval shall be entered upon the minutes of said board and endorsed upon said petition, and said petition shall thereupon be transmitted to and filed with the board of supervisors of the county in which said sanitary district is situated.

Annexa-
tion of new
territory.

Said board at its next regular meeting after the filing of said petition, shall by order, alter the boundaries of said sanitary district, and cause the contiguous territory described in said petition to be annexed thereto.

Such order shall be conclusive evidence of the regularity of all prior proceedings leading to such annexation and recited in said order, and from and after the same such territory shall become and be a part of such sanitary district, and the sanitary board thereof shall have the power to order and contract for the construction of sewers in any or all of the streets and roads of said annexed territory as provided in section twenty-two of this act and in the manner set forth therein.

Agreement
to assume
existing
indebted-
ness.

No property within such territory so annexed shall ever be taxed to pay any portion of any indebtedness of such sanitary district existing prior to such annexation, except upon express agreement in writing executed by the owner or owners of said property, by which, in consideration of such annexation and the use of the sewers of said sanitary district, said property is subjected to such tax. Said agreement shall be acknowledged, so as to entitle the same to be recorded, and shall be delivered to said sanitary board at the time of the presentation of the petition above mentioned, and said sanitary board is hereby empowered to receive said petition and to record the same in the office of the county recorder of the county in which such sanitary district is situated.

SEC. 2. This act shall take effect immediately.

CHAPTER 65.

An act to amend section one of an act entitled, "An act to establish law libraries," approved March 1, 1891, and relating to the creation of a "law library fund."

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to establish law libraries," approved March first, eighteen hundred and ninety-one, is hereby amended to read as follows:

Section 1. On the commencement in, or removal to, the superior court of any county in this state of any civil action, proceeding, or appeal, on the filing of the first papers therein, the party instituting such proceeding, or filing the said first papers, and thereafter, any defendant or respondent or adverse party, or intervening party, on his first appearance therein, (or any number of such defendants or respondents or adverse parties appearing jointly therein), and also the party on whose request any default case is placed on the court calendar for hearing or trial, shall pay to the clerk of said court, in addition to fees fixed by law, the sum of one dollar as costs, for a fund which shall be designated as the "Law Library Fund," to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the board of trustees hereinafter provided.

Fees for support of law library.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 66.

An act to amend section 3051 and section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3051 of the Civil Code of California is hereby amended to read as follows:

3051. Every person who, while lawfully in possession of an article of personal property, renders any service to the owner thereof, by labor or skill, employed for the protection, improvement, safekeeping, or carriage thereof, has a special lien thereon,

Special lien on personal property.

dependent on possession, for the compensation, if any, which is due to him from the owner for such service; a person who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for work done and materials furnished, and may retain possession of the same until the charges are paid; and livery or boarding or feed stable proprietors, and persons pasturing horses or stock, have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, or pasturing such horses or stock; and laundry proprietors and persons conducting a laundry business have a general lien, dependent on possession, upon all personal property in their hands belonging to a customer, for the balance due them from such customer for laundry work; and veterinary hospital proprietors and veterinary surgeons shall have a lien, dependent on possession, for their compensation in caring for, boarding, feeding and medical treatment of animals.

SEC. 2. Section 3052 of the Civil Code of California is hereby amended to read as follows:

Lienholder
may sell
property.

3052. If the person entitled to the lien provided for in section three thousand and fifty-one of this code be not paid the amount due and for which said lien is given, within twenty days after the same shall have become due, then such lienholder may proceed to sell said property, or so much thereof as may be necessary to satisfy said lien and costs of sale, at public auction, and by giving, at least ten days previous notice of such sale by advertising in some newspaper published in the county in which such property is situated; or, if there be no newspaper published in such county, then by posting notices of the sale in three of the most public places in the town or place where such property is to be sold, for ten days previous to the date of sale. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the property; the remainder, if any, must be paid over to the owner thereof.

Notice of
sale.

Proceeds.

CHAPTER 67.

An act to add a new section to an act entitled "An act to establish a Political Code," approved March 12, 1872, to be numbered section 1779, relating to grammar grade post graduate course of study in the public schools.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered section seventeen hundred and seventy-nine and to read as follows:

Post-
graduate
course for
grammar
schools.

1779. The county board of education must when requested so to do by the board of trustees of any school district having

two or more teachers prescribe a grammar grade post graduate course of study for the grammar schools of such district, which course of study may require one or more years for the completion thereof, as may be desired by such board of trustees.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 68.

An act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure relating to parties prohibited from testifying in certain cases.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand eight hundred and eighty-one is hereby amended to read as follows:

1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases: Particular relations: witnesses.

1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other; or in an action brought by husband or wife against another person for the alienation of the affections of either husband or wife; or in an action for damages against another person for adultery committed by either husband or wife. Husband and wife.

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which has been acquired in such capacity. Attorney.

3. A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs. Clergyman.

4. A licensed physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient. Physician.

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by the disclosure. Public officer.

CHAPTER 69.

An act to add a new section to an act entitled "An act to establish a Political Code," approved March 12, 1872, to be numbered section 1681, relating to post graduate courses of study in high schools.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered section sixteen hundred and eighty-one and to read as follows:

Post-graduate course for high schools.

1681. The board of trustees of any city, district, union, joint union or county high school may prescribe post graduate courses of study for the graduates of such high school, or other high schools, which courses of study shall approximate the studies prescribed in the first two years of university courses. The board of trustees of any city, district, union, joint union, or county high school wherein the post graduate courses of study are taught may charge tuition for pupils living without the boundaries of the district wherein such courses are taught.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 70.

An act to repeal Chapters III, IV, V, and VI of Title IV of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the state militia.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Portion of militia law repealed.

SECTION 1. Chapters III, IV, V, and VI of Title IV of the Political Code, as the said chapters existed on the 17th day of March, 1905, are hereby repealed; *provided, however*, that this act shall not be deemed to repeal any part of Title IV of said code, as approved March 18, 1905.

CHAPTER 71.

An act making an appropriation to pay the contingent expenses of the assembly, thirty-seventh session.

[Approved March 1, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated to pay contingent expenses of the assembly, thirty-seventh session.

Contingent expenses of assembly, appropriation for.

SEC. 2. This act shall take effect immediately.

CHAPTER 72.

An act to amend section four hundred and seventy-two and section four hundred and seventy-five of an act entitled "An act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter and stenographers in the attorney-general's office, and fixing their salaries, and relating to the duties of the attorney-general, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

The people of the State of California, represented in senate and assembly, do enact as follows:

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

472. The attorney-general may appoint one assistant and four deputies, who shall be civil executive officers, and either of whom shall be a member of the state board of examiners, the state commission in lunacy, and the state board of forestry, when the attorney-general is absent from the capitol. The annual salary of the assistant shall be three thousand dollars; the annual salary of the first deputy shall be three thousand dollars; the annual salary of the second deputy shall be three thousand dollars; the annual salary of the third deputy shall be twenty-four hundred dollars; the annual salary of the fourth deputy shall be twenty-four hundred dollars. Said salaries shall be paid at the same times, and in the same manner as the salaries of other state officers are paid.

Attorney-general, assistant and deputies.

Salaries.

Special
counsel.

Subdivision 1. The attorney-general shall not employ special counsel in any case except those provided in section four hundred and seventy-four of the Political Code.

Shall have
charge of
all legal
matters of
state.

Subdivision 2. The attorney-general shall have charge, as attorney, of all legal matters in which the state is in any-wise interested, except the business of the regents of the University of California and of the state harbor commissioners, and no board, officer or officers, or employé of the state, except said regents and said harbor commissioners, 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 employé, for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding; *provided*, that whenever a district attorney in any county of this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney-general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state. *Provided further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer or officers, or employé of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney-general.

SEC. 2. Section four hundred and seventy-five of the Political Code is hereby amended so as to read as follows:

Clerks and
reporter.
Salaries.

475. The attorney-general may appoint two clerks, one phonographic reporter and two stenographers for his office. The annual salary of each of such clerks shall be sixteen hundred dollars, the annual salary of the phonographic reporter shall be eighteen hundred dollars, and the annual salary of each of such stenographers shall be twelve hundred dollars. Said salaries shall be paid at the same times, and in the same manner as the salaries of other state officers are paid. Said clerks, said phonographic reporter and said stenographers shall be civil executive officers.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 2, 1907.]

CHAPTER 73.

An act to amend section three thousand and seventy-five of the Political Code of the State of California relating to the office of the state registrar of the bureau of vital statistics and the state board of health, and providing for deputies, clerks and assistants and their compensation.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand and seventy-five of the Political Code of the State of California is hereby amended to read as follows:

3075. There shall be a competent statistician and a deputy statistician to assist the state registrar of the bureau of vital statistics, and one clerk to the state board of health, all of whom shall be appointed by the state board of health. The statistician shall receive an annual salary of two thousand dollars, the deputy statistician an annual salary of sixteen hundred dollars, and the clerk an annual salary of sixteen hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of state officers. The state board of health may employ and fix the compensation of other and additional clerical and professional assistants, but such compensation shall be paid from its fund for contingent expenses, provided in the general appropriation act.

State board of health.
Statistician and clerk.
Salaries.
Additional assistants.

SEC. 2. This act shall take effect from its passage.

[Became a law, under constitutional provision, without Governor's approval, March 2, 1907.]

CHAPTER 74.

An act to amend the Penal Code, by adding two new sections thereto to be numbered two hundred and seventy a, and two hundred and seventy b, relating to the neglect and abandonment of wives by husbands, and providing the punishment therefor.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered section two hundred and seventy a, and to read as follows:

270a. Every husband having sufficient ability to provide for his wife's support, or who is able to earn the means of such wife's support, who willfully abandons and leaves his wife in a destitute condition or who refuses or neglects to provide such wife with necessary food, clothing, shelter, or medical attend-

Non-support, abandonment, penalty.

ance, unless by her misconduct he was justified in abandoning her, is guilty of a misdemeanor.

SEC. 2. A new section is hereby added to the Penal Code, to be numbered section two hundred and seventy *b*, and to read as follows:

Surety for support.

270*b*. After arrest, conviction or plea of guilty on a charge of a misdemeanor under either section two hundred and seventy or two hundred and seventy *a*, of this code, and before trial or sentence, if the defendant shall appear before the court and enter into an undertaking with sufficient sureties to the people of the State of California in such penal sum as the court may fix, to be approved by the court, and conditioned that the defendant will furnish said minor child or wife as the case may be, with necessary food, clothing, shelter or medical attendance, then the court may suspend proceedings or sentence therein; and said undertaking is valid and binding for six months; and upon the failure of defendant to comply with said undertaking, he may be ordered to appear before the court and show cause why further proceedings should not be had in said action or sentence should not be imposed, whereupon the court may proceed with said action, or pass sentence, or for good cause shown may modify the order and take a new undertaking and further suspend proceedings, or sentence for a like period.

[Became a law, under constitutional provision, without Governor's approval, March 3, 1907.]

CHAPTER 75.

An act to amend the Civil Code, by adding a new section thereto, to be numbered 1828, relating to delivery or payment of deposit made in the names of two or more persons.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code of California, to be known as section 1828, to read as follows:

Joint deposits by more than one person.

1828. When a deposit is made in the name of two or more persons, deliverable or payable to either or to their survivor or survivors, such deposit or any part thereof, or increase thereof, may be delivered or paid to either of said persons or to the survivor or survivors in due course of business.

CHAPTER 76.

An act to amend section 173 of an act entitled "An act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred seventy-three (173) of an act entitled "An act to establish a uniform system of county and township government," approved April first, eighteen hundred and ninety-seven, as amended March twentieth, nineteen hundred and five, is hereby amended to read as follows:

Section 173. In counties of the sixteenth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum. The sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions and mileage, which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county.
3. The recorder, twenty-nine hundred dollars per annum.
4. The auditor, twenty-four hundred dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector, fifteen hundred dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, eighteen hundred dollars per annum; *provided*, that he shall have power to appoint one assistant district attorney at a salary of one thousand dollars per annum, payable in the same manner as that of other county officers.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; but he shall receive no extra compensation for his services on the board of education.
12. The surveyor shall receive one thousand three hundred dollars per annum for all work performed for the county and, in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided* that whenever the surveyor is directed by the assessor to plat, trace

County government.

Salaries in counties of sixteenth class (Monterey).

or otherwise prepare maps or plats, he be allowed only the actual cost of preparing the same.

Justices of
the peace.

13. The 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 in criminal cases and all other criminal matters. In townships having a population of five thousand or more, sixty-five dollars per month; in townships having a population of twenty-five hundred and less than five thousand, fifty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars per month; in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; and in townships having a population of less than seven hundred, fifteen dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. There shall be two justices of the peace in each such township containing a population of five thousand or more and in each such township containing a population of less than five thousand, there shall be one justice of the peace.

Fees in
civil
actions.

Constables.

14. 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 five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, forty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, thirty dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; and in townships having a population of less than seven hundred, fifteen dollars per month; *provided* that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own townships, for the service of a warrant of arrest or any other process in a criminal case or other criminal matter (when such service is, in fact, made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile and for transporting prisoners to the county jail, ten cents a mile each way. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases, the fees which are now or may hereafter be allowed by law.

Fees in
civil cases.

15. The supervisors, each the sum of five dollars per day for actual service, (but not to exceed six hundred dollars per annum) and twenty cents per mile for all distances actually traveled, not to exceed two hundred dollars per annum in the performance of their duties as road commissioners, together with mileage at the rate of twenty cents per mile, in going only, from place of residence to the county seat at each session of the board. Super-
visors.

16. For the purposes of subdivisions thirteen and fourteen of this section the population of the several judicial townships shall be ascertained and determined by the board of supervisors by multiplying by five the vote cast for presidential electors in each township at the next preceding election therefor. Popula-
tion
of town-
ships, how
deter-
mined.

SEC. 2. This act shall take effect immediately.

CHAPTER 77.

An act to amend an act entitled "An act to enforce the educational rights of children, and providing penalties for violation of the act," approved March 24th, 1903, and amended March 20th, 1905, by amending sections 3, 4, 5, and 6 of said act, and by adding a new section to said act to be numbered section 7 1/2.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3 of an act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the act," approved March 24th, 1903, and amended March 20th, 1905, is hereby amended to read as follows: Edu-
cational
rights of
children.

Section 3. The board of education of any city or city and county, or the board of trustees of any school district, shall, on the complaint of any person, make full and impartial investigation of all charges against parents or guardians or other persons having control or charge of any such child, for violation of any of the provisions of this act. If it shall appear upon such investigation that any such parent or guardian or other person has violated any of the provisions of this act, it is hereby made the duty of the secretary of such board of education, except as hereinafter provided, or the clerk of such board of trustees, to make and file in the proper court a criminal complaint against such parent, guardian or other person, charging such violation, and to see that such charge is prosecuted by the proper authorities; *provided*, that in cities, and in cities and counties, and in school districts having an attendance officer or officers, such officer or officers shall, under the direction of the board of education, or the city superintendent Investiga-
tion of
charges
against
parents.

Criminal
complaint.

of schools, or the board of trustees, make and file such complaint, and see that such charge is prosecuted by the proper authorities.

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Attend-
ance
officer.

Compensa-
tion.

Section 4. The board of education of any city, or city and county, may appoint and remove at pleasure one or more attendance officers of such city, or city and county, or the board of trustees of any school district having at least six hundred census children, may appoint and remove at pleasure one attendance officer, and shall fix his or their compensation, not exceeding one thousand dollars per annum for any such officer, payable from the county or special school fund of such city, city and county, or school district, and shall prescribe their duties, not inconsistent with law, and make rules and regulations for the performance thereof; *provided*, that in any city, or city and county, containing less than twenty thousand school census children, not more than one attendance officer shall be appointed, and in any city, or city and county, containing more than twenty thousand school census children, not more than one attendance officer shall be appointed for each twenty thousand school census children, or fraction greater than one half thereof.

SEC. 3. Section 5 of said act is amended to read as follows:

Duty of
attendance
officer.

Section 5. It shall be the duty of the attendance officer, or of any peace officer or any school officer, to arrest during school hours, without warrant, any child between eight and fourteen years of age, found away from his home, and who has been reported to him by the teacher, the superintendent of schools, or other person connected with the school department or schools as a truant from instruction upon which he is lawfully required to attend within the county, city, or city and county, or school district. Such arresting officer shall forthwith deliver the child so arrested either to the parent, guardian or other person having control or charge of such child, or to the teacher from whom said child is then a truant, or if such child shall have been declared an habitual truant, he shall bring such child before a magistrate for commitment by him to a parental school, as provided in this act. The attendance officer or other arresting officer shall report promptly such arrest, and the disposition made by him of such child to the school authorities of such city, or city and county, or school district. Any child may be reported as a truant, in the meaning of this act, who shall have been absent from school without valid excuse more than three days or tardy on more than three days, any absence for a part of a day being regarded as a tardiness. Any child who has once been reported as a truant and who is again absent from school, without valid excuse, one or more days, or tardy on one or more days, may again be reported as a truant. Any child may be deemed an habitual truant who shall have been reported as a truant three or more times. Any child who has once been declared an habitual truant and who, in a succeeding year, is reported as a truant from school one or more days

What
constitutes
a truant.

or tardy on one or more days without valid excuse, may be again declared an habitual truant.

SEC. 4. Section 6 of said act is amended to read as follows:

Section 6. The board of education of any city, or of any city and county, or the board of trustees of any school district having at least six hundred census children, may establish schools in a manner hereinafter prescribed, or set apart in public school buildings for children between eight and fourteen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a parental school. A parental school, as herein designated and provided for, shall be one of the primary or grammar schools of the city, or city and county, or school district, and the teachers therein shall have the same qualifications and be employed and paid in the same manner as in other primary and grammar schools; but such parental school shall be established and maintained specially for the instruction therein of such pupils, between the ages of eight and fourteen years, as shall be committed thereto as provided in this act, and no pupil shall be committed to, or required to attend, such school, except as in this act provided. Said board of education or board of trustees may make such special rules and regulations for the government of a parental school as shall be consistent with the provisions and purposes of this act, and not contrary to law. Such board may provide for the detention, maintenance and instruction of such children in such schools; and the county superintendent of schools, or such board, or the city superintendent of schools in any city, or city and county, or board of trustees, may, after reasonable notice to any such child, and an opportunity for the child to be heard, and with the consent of the parent, guardian or other person having control or charge of such child, order such child to attend such school, or to be detained and maintained therein for such period and under such rules and regulations as such board may prescribe, not exceeding the remainder of the school year. If such parent, guardian, or person having control or charge of such child shall not consent to such order, such child may be proceeded against under this act. If any child in any city, or city and county or school district in which a parental school shall be established, shall be an habitual truant, or be irregular in attendance at school, within the meaning of these terms, as defined in this act, or shall be insubordinate or disorderly during attendance at school, it shall be the duty of the attendance officer, or of the secretary of the board of education or clerk of the board of trustees if there be no attendance officer, to make and file a complaint against such child, in the proper court, charging the fact, and to see that such charge is prosecuted by the proper authority; and if the court, upon the hearing of such complaint, shall find that such charge is

Schools for habitual truants.

Parental school.

Rules for government of parental schools.

Complaint against child.

Duty of county superintendents where no parental schools exist.

Bond of parent.

Forfeit of bond.

sustained, the court shall render judgment that such child be committed to, and be detained and maintained in, a parental school in such city, or city and county or school district for a term not to exceed the remainder of the current school year; *provided* that, if any child in any district of a county where there is not a parental school shall be an habitual truant, or be irregular in attendance at school, within the meaning of those terms as defined in this act, or shall be insubordinate or disorderly during attendance at school, it shall be the duty of the county superintendent of schools to make and file a complaint against such child, in the superior court of such county, charging the facts; and if the court, upon the hearing of said complaint, shall find that such charge is sustained by the evidence, the court shall render judgment that such child shall be detained and maintained in a parental school, if there be one in such county, during the remainder of the school term, and if there be no parental school in such county, the court shall render judgment that the parent, guardian or person having the control or charge of such child shall deliver such child at the beginning of each school day for the remainder of the school term, at the school from which such child is then a truant; *provided*, that if the parent, guardian, or other person having control or charge of such child shall, within three days after the rendition of such judgment, execute a good and sufficient bond to the board of education of the city, or city and county, or board of trustees of the district, with sufficient sureties, in the sum of two hundred dollars, conditioned that such child will, during the remainder of such current school year, regularly attend some public or private school in such city, or city and county, or school district and not be insubordinate or disorderly during such attendance, such bond to be approved by the judge of said court, and be filed with the secretary of the board of education or clerk of the board of trustees, then such court shall make an order suspending the execution of such judgment so long as the condition of such bond shall be complied with. If the condition of such bond be violated, such court, upon receiving satisfactory evidence of the fact in any action brought therefor shall make an order declaring such bond forfeited and directing such judgment to be thenceforth enforced. Such board of education or board of trustees may, at any time within one year after any such bond shall be declared forfeited, have execution issued against any or all of the parties to such bond, to collect the amount thereof; and all moneys paid or collected on such bond shall be paid over to the parental school fund of such city, or city and county, or school district. No fees shall be charged or received by any court or officer in any proceeding under this section. The confinement of any child in a parental school shall be conducted with a view to the improvement of the child and to its restoration, as soon as practicable, to the school which he would, if not so confined, be required to attend. The city superintendent of schools, or, if there be no city superintendent, the board of education of any city, or city and county, or county superin-

tendent of schools, shall have authority, in their discretion, to parole at any time any child committed to, or ordered to attend, a parental school, except when such commitment shall be by judgment or order of a court; and when such commitment of any child shall be by judgment or order of a court, such court may, on the recommendation of the city superintendent of schools, of the board of education or county superintendent of schools, make an order paroling such child, upon such terms and conditions as shall be specified in the order. The expense incurred by any city, or city and county, or school district in purchasing or renting a school site, erecting or renting a building and equipping the same, for the maintenance of a parental school, shall be paid out of funds other than those collected for the maintenance of schools. The salaries of teachers and the expense for all school supplies in a parental school shall be paid out of the same funds from which similar salaries and expense are paid for primary and grammar schools, but all other expense incurred in the maintenance of such parental schools shall be paid out of the parental school fund.

Parole of child.

Expense of maintaining parental school.

SEC. 5. That said act be amended by adding a new section thereto, to be numbered 7½, and to read as follows:

Section 7½. The board of trustees of any school district wherein a parental school may be established under the provisions of this act, and whenever such board deems it proper, may, for the purpose of raising money for the establishment and maintenance of a parental school for said district, proceed under the provisions of Article XIX, Chapter III, Title III, of Part III, of the Political Code of this state, to raise moneys for such purpose, and the moneys so raised shall be paid into the county treasury, and shall constitute a "parental school fund," for such district. The moneys of such fund shall be used for no other purpose than herein indicated. Money shall be drawn from said fund by the trustees of the district in the same manner as money is drawn from other school funds.

District tax for parental school, how raised.

SEC. 6. This act shall take effect immediately.

CHAPTER 78.

An act to amend an act entitled "An act to establish a Civil Code" approved March 21, 1872, by amending section 465, relating to the powers of railroad corporations.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

465. Every railroad corporation has power:

1. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route for the railroad; and for such purposes their officers,

Railroad corporations, enumeration of powers.

To survey road.

agents and employés may enter upon the lands or waters of any person, subject to liability for all damages which they may do thereto;

Accept
real estate.

2. To receive, hold, take, and convey, by deed or otherwise, as a natural person, such voluntary grants and donations of real estate and other property, which may be made to it to aid and encourage the construction, maintenance and accommodation of such railroad;

Acquire
real estate.

3. To purchase, or by voluntary grants or donations to receive, enter, take possession of, hold and use all such real estate and other property as may be absolutely necessary for the construction and maintenance of such railroads, and for all stations, depots and other purposes necessary to successfully work and conduct the business of the road;

Width of
roadway.

4. To lay out its road, not exceeding ten rods wide, and to construct and maintain the same, with one or more tracks, and with such appendages and adjuncts as may be necessary for the convenient use of the same;

Where
may
construct
road.

5. To construct their roads across, along or upon any stream of water, watercourse, roadstead, bay, navigable stream, street, avenue or highway, or across any railway, canal, ditch or flume which the route of its road intersects, crosses or runs along, in such manner as to afford security for life and property; but the corporation shall restore the stream or watercourse, road, street, avenue, highway, railroad, canal, ditch or flume thus intersected to its former state of usefulness as near as may be, or so that the railroad shall not unnecessarily impair its usefulness or injure its franchise;

May cross
or connect
roads.

6. To cross, intersect, join, or unite its railroad with any other railroad, either before or after construction, at any point upon its route, and upon the grounds of such other railroad corporation, with the necessary turnouts, sidings and switches, and other conveniences in furtherance of the objects of its connections; and every corporation whose railroad is, or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant facilities therefor; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or the manner of such crossings, intersections and connections, the same shall be ascertained and determined as is provided in Title VII, Part III, Code of Civil Procedure (Secs. 1237-1263);

May
purchase
lands and
materials.

7. To purchase lands, timber, stone, gravel or other materials to be used in the construction and maintenance of its road, and all necessary appendages and adjuncts, or acquire them in the manner provided in Title VII, Part III, Code of Civil Procedure, for the condemnation of lands; and to change the line of its road, in whole or in part, whenever a majority of the directors so determine, as is provided hereinafter; but no such change must vary the general route of such road, as contemplated in its articles of incorporation;

Carry
persons.

8. To carry persons and property on their railroad, and to receive tolls or compensation therefor;

9. To erect and maintain all necessary and convenient buildings, stations, depots, fixtures and machinery for the accommodation and use of their passengers, freight and business; Erect buildings.

10. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor within the limits prescribed by law and subject to alteration, change or amendment by the legislature at any time; Regulate tolls.

11. To regulate the force and speed of their locomotives, cars, trains or other machinery used and employed on their roads, and to establish, execute and enforce all needful and proper rules and regulations for the management of its business transactions usual and proper for railroad corporations; Rules for management.

12. To purchase, lease or acquire the franchises, rights and property, or any part thereof, of any railroad corporation, leasing or owning any railroad outside of the State of California, and to operate the same, and to use the franchises of any such road, and to build and operate extensions thereof; *provided* that nothing herein shall authorize any corporation to purchase the franchises, rights, and property of any railroad operated in competition with it; and to purchase, acquire and hold the stocks, bonds or other securities of any railroad corporation organized under the laws of this state or of any other state or territory, with full power to sell the same; *provided* that nothing herein will authorize any corporation to purchase the stock of any railroad corporation operated in competition with it. Purchase other roads.
Restrictions.

SEC. 2. This act shall take effect immediately.

CHAPTER 79.

An act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of trustees of the State Normal School at Los Angeles is authorized and empowered to sell, at public auction, on such terms as may be determined by said board of trustees, the lands, and the buildings thereon, of the State Normal School at Los Angeles and situate on the corner of Grand Lands and buildings of Los Angeles Normal School, authority to sell.

avenue and Fifth street in the city of Los Angeles. Notice of the time and place of said sale at public auction and the terms and conditions thereof, which the said board of trustees is hereby authorized to make, shall be published in two daily newspapers printed and published in said city of Los Angeles for at least two weeks prior to the appointed day of sale. The said lands and buildings shall not be sold for less than \$500,000 and the said board of trustees is hereby authorized and empowered to reject any and all bids and offers therefor; to continue the day of sale from time to time and as many times as in their judgment may be necessary, and also to appoint another day, or 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 papers up to the postponed day. The said board of trustees is hereby authorized and empowered to order and 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 defect or defects in said title, the cost and expense of all of which shall be paid out of the proceeds of said sale, upon the warrant of the state controller, after the same shall have been audited by the state board of examiners, and the state treasurer is directed to pay the same out of the fund hereinafter created.

Minimum price fixed.

Deeds of conveyance.

Who may execute deed.

SEC. 2. The president and secretary of the board of trustees of said school, or any one or more of said trustees, to be designated by said board, are hereby authorized and directed to execute to the purchaser for and on behalf 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 to deliver the same upon the payment of the full amount of the purchase price; and the said deed shall be effectual to pass and convey to said purchaser all of the right, title, interest and estate of the State of California in and to said lands and buildings.

Deposit receipts of sale in state treasury.

SEC. 3. The moneys received from the sale of said lands and buildings shall be paid into the state treasury and kept in a fund to be called: "Los Angeles State Normal School Building and Improvement Fund," to the credit of the State Normal School at Los Angeles and said moneys shall not be drawn therefrom except to pay the costs and expenses of carrying out the provisions of this act and those incidental thereto, for rent of grounds and buildings as in this act provided, and for the purchase and improvement of a new site, and for the construction of new buildings and other improvements as hereinafter provided.

Selection of new site.

SEC. 4. The board of trustees of the State Normal School at Los Angeles is authorized, directed and empowered to examine sites and to select a new and suitable site for said school in the

county of Los Angeles and to purchase 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 State Normal School of Los Angeles until otherwise provided by law, *provided* that the purchase price of the site selected shall not exceed fifty thousand dollars, *and provided further* that in the purchase of a new site and in constructing and equipping said new normal school buildings the total expenditure shall not exceed in amount the net sum received for the property authorized to be sold by this act.

Maximum
purchase
price.

SEC. 5. The said board is hereby authorized, directed and empowered to grade, fence and otherwise improve the said new site in a manner suitable for 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; to employ a competent architect or architects to provide plans, drawings and specifications for a suitable building or buildings and for other structures and improvements necessary and proper for said school; or otherwise secure, or purchase such plans, drawings, specifications and so adapt said plans, drawings, and specifications as to them may seem best suited to the purposes of said school. The said board is also authorized, directed, and empowered to provide and purchase all such furniture, fixtures, apparatus, and other things as may be required for the proper equipment of said buildings and grounds for conducting the state normal school.

Erection
of new
buildings.

Furniture
and
apparatus.

SEC. 6. Upon said sale of said lands and buildings being made, the board of trustees of said school is hereby authorized to rent, for the purpose of said school, such grounds and buildings as they deem necessary, to be occupied temporarily until the completion of the new buildings provided for by this act.

Trustees
may rent
temporary
quarters.

SEC. 7. The state board of examiners 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 "Los Angeles State Normal School Building and Improvement Fund" for all demands for and on account of the purchase of said lands, the improvement of the same, and for said plans, drawings, and specifications and the employment of architects and other expenses connected with the selection of said site and the preparation and selection of said plans, drawings, and specifications, and for rent of buildings and grounds for temporary use of said school; and the state treasurer is directed to pay said demands out of the aforesaid "Los Angeles State Normal School Building and Improvement Fund."

Allowance
of de-
mands
arising
under this
act.

SEC. 8. The money constituting the aforesaid "Los Angeles State Normal School Building and Improvement Fund" shall be available for the purpose of this act from the time of the deposit of the same with the state treasurer as aforesaid.

When
money
shall be
available.

SEC. 9. This act shall take effect and be in force from and after its passage.

CHAPTER 80.

An act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two-thirds of the electors of such municipality.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Municipal
bonds,
valid
under
certain
con-
ditions.

SECTION 1. In all cases where the legislative branch of any municipality in the State of California, organized under an act of the legislature of said state, entitled: "An act to provide for the organization, incorporation and government of municipal corporations," approved the 13th day of March, 1883, has deemed it necessary to incur any indebtedness in excess of the money in the treasury, applicable to the purpose for which said indebtedness is to be incurred, and has called a special election of the qualified electors of such municipality to determine whether such indebtedness as specified in the resolution or ordinance calling such election shall be incurred, and where, at such election, not less than two-thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, and such legislative branch of such municipality shall have passed an ordinance providing for the mode of creating such indebtedness and of paying the same, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipality, all the proceedings of such municipality leading up to and including the issuance and the proposed issuance of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold after the passage of this act for not less than their par value, are hereby legalized and declared to be legal and valid obligations of and against such municipality so issuing and selling the same, and the faith and credit of such municipality is hereby pledged for the prompt payment and redemption of the principal of such bonds, and the coupons thereto attached; *provided* this act shall not operate to legalize any bonds of any municipality already sold or any bonds that have not, at the time of the passage of this act, been authorized by not less than two-thirds of the qualified electors of such municipality voting at any such election.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 81.

An act to amend section two thousand nine hundred and seventy-nine a of the Political Code of the State of California relating to the preservation of the public health.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two thousand nine hundred and seventy-nine a of the Political Code of the State of California is amended to read as follows:

2979a. It is the duty of each coroner, and of every county, city and county, city or town health officer, and every member of the local board of health, knowing, or having reason to believe that any case of cholera, plague, yellow fever, leprosy, diphtheria, membranous croup, scarlet fever, smallpox, Manila, Philippine or Cuban itch, dobe, bumps, typhus fever, typhoid fever, malignant pustules, anthrax, glanders, cerebro-spinal meningitis, pulmonary tuberculosis, pneumonia, dysentery, erysipelas, uncinariasis or hookworm, trachoma, dangue, tetanus, measles, chickenpox, whooping cough, mumps, or any other contagious or infectious disease exists, or has recently existed, within the city, county, city and county, town, or township of which he is such officer, to take such measures as may be necessary to prevent the spread of such disease, and to report at once in writing such cases to the secretary of the state board of health at Sacramento.

Duties of health officers in cases of infectious disease.

It is also the duty of every attending or consulting physician, nurse, or other person having charge of or caring for any person afflicted with any of said contagious diseases, to report at once in writing to the local board of health or local health officer the nature of the disease, the name of the person afflicted and the place of his or her confinement.

Duty of physicians.

The state board of health, or its secretary, upon being informed of any such contagious or infectious disease, may thereupon take such measures as may be necessary to ascertain the nature of such disease and prevent the spread of such contagion, and to that end, said state board of health, or its secretary, may, if deemed proper, take possession or control of the body of any living person, or the corpse of any deceased person, and may direct and take such means as may be deemed expedient to arrest or prevent the further spread of such disease.

Duty and power of state board of health.

SEC. 2. This act shall take effect from its passage.

CHAPTER 82.

An act to add a new section to the Penal Code of the State of California to be numbered section 372a declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferryboats, steamers, boats or other vehicles or vessels used for the transportation of the public.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered section 372a to read as follows:

Spitting
prohibited,
where.

372a. It shall be a misdemeanor for any person to discharge mucus from the nose or mouth or spit upon any sidewalk, of any public street or highway or upon any part of any public building or railroad train, street car, stage, ferryboat, steamer, boat or other vessel or vehicle used for the transportation of the public.

SEC. 2. This act shall take effect from its passage.

CHAPTER 83.

An act to amend section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto and taxation thereof.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1576 of the Political Code of the State of California is hereby amended to read as follows:

City school
districts,
govern-
ment.

1576. Every city or incorporated town unless subdivided by the legislative authority thereof, shall constitute a separate school district, which shall be governed by the board of education or board of school trustees of such city or incorporated town; *provided*, that whenever a city or town shall be incorporated the board of supervisors of the county may annex thereto, for school purposes only, the remainder, or any part of the remainder, of the district or districts from which such city or incorporated town was organized, whenever a majority of the heads of families residing therein, as shown by the last preceding school census, shall petition for such annexation;

Annexa-
tion of
additional
territory.

and provided further, that the board of supervisors may include more territory than the remainder of the district or districts from which the city or incorporated town was organized, whenever a petition for such purpose is presented to them, signed by a majority of the heads of families, as shown by the last preceding school census, residing in such additional territory. When said remainder or part thereof, or said additional outside territory, has been annexed to said city or incorporated town, it shall be deemed a part of said city or incorporated town for the purpose of holding the general municipal election, and shall form one or more election precincts, as may be determined by the legislative authority of said city or incorporated town, the qualified electors of which shall vote only for the board of education, or the board of school trustees; and such outside territory shall be deemed to be a part of said city or incorporated town for all matters connected with the school department thereof, for the annual levying and collecting of the property tax for the school funds of said city or incorporated town; and for all purposes specified in sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight of this code, inclusive, provided, however, that the last assessment roll made by the county assessor, shall be the only basis of taxation for such school district on the property outside the corporate limits so annexed for school purposes.

Outside
territory,
rights at
elections.

CHAPTER 84.

An act to amend an act entitled "An act to establish a uniform system of county and township government," approved April 1st, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending section one hundred and eighty-four thereof relating to counties of the twenty-seventh class.

[Approved March 4, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 184 of an act entitled "An act to establish a uniform system of county and township government" approved April 1, 1897, and as amended March 23, 1901, and March 20, 1905, is hereby amended so as to read as follows:

County
govern-
ment.

Section 184. 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 to-wit:

Salaries in
counties of
twenty-
seventh
class
(Napa).

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling great register of the county.

Salaries in
counties of
twenty-
seven
class
(Napa).

2. The sheriff, five thousand dollars per annum, and the fees, mileage or commissions for the service of all papers whatever issued by any court outside of this county, and all mileage for service of papers issued out of any civil case in his own county.

3. The recorder, two thousand dollars per annum; *provided* that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than one hundred and fifty dollars in any month, the said recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and fifty dollars in any month so collected.

4. The auditor, seven hundred and fifty dollars per annum.

5. The treasurer, two thousand dollars per annum, and fees as now provided.

6. The tax collector, two thousand dollars per annum, and fees on delinquent poll taxes, which shall be in full for all services as tax collector.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum. In counties of this class the district attorney may 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 his services the sum of six hundred dollars per annum to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officers are paid.

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

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

11. Superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

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

Justices of
the peace
and
constables.

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 nineteen hundred 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 and constables shall receive the following salaries, which shall be

paid monthly, in the same manner as salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dollars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars, and in townships of the fourth class twenty dollars. In addition of the monthly salaries herein allowed, each justice of the peace and constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury. Fees in
civil cases.

14. Each member of the board of supervisors shall receive one thousand dollars per annum, payable monthly, which shall be in full for all services as supervisors. Super-
visors.

SEC. 2. This act shall take effect and be in full force from and after its passage.

CHAPTER 85.

An act to add a new section to the Political Code of the State of California, to be known as section 1641, relating to and defining who are census children.

[Approved March 5, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section 1641, which shall read as follows:

1641. All children within the State of California between the ages of five and seventeen years, including the children of Indian parents who pay taxes or who are not living in tribal relation, are, for all school purposes, hereby declared to be census children. Defining
school
census
children.

CHAPTER 86.

An act to amend section 1622 of the Political Code relating to state and county school moneys being used for the payment of teachers.

[Approved March 5, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1622 of the Political Code is hereby amended to read as follows:

County
school
money,
how used.

1622. Boards of school trustees and city boards of education may use forty per cent of the county school money for any of the purposes authorized by this chapter; but all the state school money and not less than sixty per cent of the county school money shall be applied exclusively to the payment of teachers' salaries of the primary and grammar schools.

CHAPTER 87.

An act to amend article 4 of the Code of Civil Procedure, of the State of California, relating to the manner of taking depositions out of the state, by adding a new section thereto, to be known as section 2029.

[Approved March 5, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be known and numbered as section 2029 and to read as follows:

Notice
dispensed
with when
witness
resides out
of state.

2029. In all cases where service of summons has been had by publication as provided by law and after default has been duly entered, and it appears by affidavit that the residence of a party to the action is unknown and the witness resides out of the state, then in such cases the notice provided for in this article shall be dispensed with.

CHAPTER 88.

An act to amend an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12th, eighteen hundred and eighty-five," approved March 23rd, 1901, by amending section fifteen thereof, defining the practice of dentistry.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifteen of an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12th, eighteen hundred and eighty-five," approved March 23rd, 1901, is hereby amended so as to read as follows:

Section 15. Any person shall be understood to be practicing dentistry within the meaning of this act who shall display a sign or in any way advertise himself as a dentist, or who shall, for a fee, salary or reward, paid directly or indirectly either to himself or to some other person, perform operations of any kind upon, or treat diseases or lesions of the human teeth or jaws, or correct malimposed positions thereof; but nothing in this act contained shall prohibit bona fide students of dentistry from operating in the clinical departments of the laboratory of a reputable dental college, or an unlicensed person from performing merely mechanical work upon inert matter in a dental office or laboratory or the student of a licentiate from assisting his preceptor in dental operations while in the presence of and under the personal supervision of his instructor; or a duly licensed physician from treating diseases of the mouth, or performing operations in oral surgery. But nothing in the provisions of this act shall be construed to permit the performance of dental operations by any unlicensed persons under cover of the name of a regular practitioner of dentistry.

Practicing
dentistry
defined.

Students.

Physi-
cians.

SEC. 2. This act shall take effect immediately.

CHAPTER 89.

An act to amend section 1 of an act entitled an act to promote the horticultural interests of the state by providing county boards of horticulture, and repealing the act entitled "An act to protect and promote the horticultural interests of the state," approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of an act entitled an act to promote the horticultural interests of the state by providing county boards of horticulture, and repealing the act entitled "An act to protect and promote the horticultural interests of the state," approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891, is hereby amended to read as follows:

Section 1. Whenever a petition is presented to the board of supervisors of any county, and signed by twenty-five or more persons, each of whom is a resident freeholder and possessor of an orchard, stating that certain or all orchards, or nurseries, or trees of any variety are infested with scale insects of any kind, injurious to fruit, fruit trees, and vines, codlin moth, or other insects that are destructive to trees, and praying that a commission be appointed by them, whose duty it shall be to supervise the destruction of said scale insects, as herein provided, the board of supervisors shall, within twenty days thereafter, appoint a board of horticultural commissioners, consisting of three members, who shall be qualified for the duties of horticultural commissioner, and shall hold office for a term of two years. Upon the petition of twenty-five resident freeholders and possessors of an orchard, the board of supervisors may remove any of said commissioners for cause, after a hearing of the petition.

SEC. 2. This act shall take effect and be in force from and after its passage.

Supervis
ors may
appoint
board of
horti-
cultural
commis-
sioners.

CHAPTER 90.

An act to amend section 487 of the Penal Code of California, defining grand larceny.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

487. Grand larceny is larceny committed in either of the following cases: Grand larceny defined.

1. When the property taken is of a value exceeding fifty dollars.

2. When the property is taken from the person of another.

3. When the property taken is a horse, mare, gelding, cow, steer, bull, calf, mule, jack or jenny.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 91.

An act to repeal an act entitled "An act to incorporate the town of Yuba City," approved March thirtieth, eighteen hundred and seventy-eight.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to incorporate the town of Yuba City," approved March thirtieth, eighteen hundred Repeal of act. and seventy-eight, is hereby repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 92.

An act to amend section three thousand and seventy-eight, three thousand and eighty-one and three thousand and eighty-three of the Political Code of the State of California, relating to the registration, certification and reporting of births, marriages and deaths.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand and seventy-eight of the Political Code of the State of California is hereby amended to read as follows:

Registry of marriages and births, duty of county recorder and health officer.

3078. It shall be the duty of every county recorder to receive without fee or charge each certificate of registry of marriage and birth; *provided however*, that in cities having a freeholders' charter the health officer shall act as local registrar for births, and shall receive, without fee or charge, each certificate of birth and enter the same in the same manner as provided for the county recorder; to make a complete and accurate copy of each certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such marriage or birth, in such manner as directed by the state registrar. The recorder or health officer must carefully examine each report, and register the same marriage or birth but once, although it may be reported by different persons. The certificates shall be numbered by him and entered in the order in which they are reported to him, beginning with number one for the first birth, or marriage, in each calendar year. He shall also sign his name as registrar in attest of the date of filing in his office. On or before the fifth day of each month each recorder, or health officer, shall transmit by United States mail, carefully enclosed in appropriate envelopes or wrappers, addressed to the state registrar at Sacramento, or shall personally deliver to him at his office in Sacramento, on or before the fifth day of each month, the original certificates of births and marriages, filed with him during the preceding month. The state registrar shall thereupon file said original certificates of marriage and birth, and cause the same to be separately and systematically indexed.

Duty of state registrar.

SEC. 2. Section three thousand and eighty-one of the Political Code of the State of California is hereby amended to read as follows:

State registrar to examine certificates.

3081. The state registrar shall carefully examine the certificates of marriages and births received monthly from the county recorders or health officers, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory. All physicians, clergymen, judges, midwives, nurses, parents,

or other informants upon whom the duty is imposed of certifying to marriages or births, and all other persons having knowledge of the facts, are required to furnish such information as they may possess regarding any marriage or birth upon demand of the state registrar in person, by mail, or through the local registrar. Whenever it may be alleged that the facts are not correctly stated in any certificate of marriage or birth, theretofore registered, the county recorder or city health officer shall require an affidavit under oath to be made by the person asserting the fact, to be supported by the affidavit of one other credible person having knowledge of the facts, setting forth the changes necessary to make the record correct. Having received such affidavits he shall file them and shall then draw a line through the incorrect statement or statements in the certificate, without erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the affidavits, attached to the original certificate, when making his regular monthly returns to the state registrar. If the correction relates to a certificate previously returned to the state registrar, he shall transmit the affidavit forthwith to the state registrar. If the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall immediately transmit a certified copy of the original certificate corrected as above, to the county recorder or city health officer, who shall thereupon substitute such certified copy for a copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, typewritten or printed.

Incorrect
state-
ments.

SEC. 3. Section three thousand and eighty-three of the Political Code of the State of California is hereby amended to read as follows:

3083. The state registrar shall, upon request, furnish any applicant a certified copy of the record of any marriage or birth registered under the provisions of this chapter, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. Any such copy of the record of a marriage or birth, when certified by the state registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents, to be paid by the applicant, for each hour or fractional part of an hour employed in such search. And the state registrar shall keep a full and correct account of all fees received by him under these provisions and deposit such money with the state treasurer, who shall credit the amount to the fund provided and to be used for the payment of the traveling and contingent expenses of the state board of health.

State
registrar to
furnish
copies of
record.

Fees.

CHAPTER 93.

An act to add a new section to the Civil Code of the State of California to be known as number 329, relating to lost or destroyed bonds of a corporation.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

329. Whenever a bond or bonds of a corporation organized under the laws of this state or of any other state, or any territory of the United States has or have been lost or destroyed in this state by fire, earthquake, or other calamity, the owner thereof may bring an action against such corporation and the trustee or mortgagee of such bonded indebtedness in the superior court of the county in which such bond or bonds were lost or destroyed, or in which owner resides, or in which is located the principal place of business of such corporation for the purpose of obtaining a new or duplicate bond or bonds. If said bond or bonds stand in the name of, or are registered in the name of a person other than the plaintiff, or if it appears by the books of the corporation that any other person claims or has some right, title, interest in, or lien upon such bond or bonds, all such persons must be made parties defendant with the corporation and the trustee and mortgagee. Summons must be issued and served as in other civil actions and in addition thereto the court must direct its clerk to issue and cause to be published at least once a week, for four successive weeks, in some newspaper published in the county a notice setting forth the pendency of the action, the names of the parties thereto, the court in which it is pending, the name of the corporation which had issued the bond or bonds, the number of said bond or bonds, if any, and the amount thereof, and the person in whose name the same stands or is registered, and notifying all persons claiming said bond or bonds, or any of them or any interest or lien therein or thereupon, to be and appear before the court at a time and place to be designated in the notice, not less than thirty days from the first publication thereof, then and there to show cause why a new bond or bonds should not be directed to be issued to the plaintiff and to set forth their rights in, or claims to such bond or bonds. If any one appears and answers or intervenes in the action it must proceed to trial as in other civil cases and the court must enter judgment as from the facts established may be proper; but if no one appears within the time designated in said notice, nor within the time allowed by law after the service of such sum-

Burned
bonds,
procedure
to obtain
duplicates.

Form of
summons.

mons, the court must hear such evidence as may be offered in support of the allegations of the complaint and make and file its decision thereon, and thereupon may enter its judgment canceling the lost or destroyed bond or bonds and directing such corporation, upon payment to it of all costs incurred by it in the premises, and upon payment to it of the money required and necessary to re-issue new bond or bonds and without costs against the corporation or other defendant, mortgagee or trustee; to issue to the plaintiff a new or duplicate bond or bonds upon the said plaintiff giving proper indemnity to the said corporation and the said mortgagee or trustee.

Entry of judgment.

Indemnity.

CHAPTER 94.

An act to amend an act entitled, "An act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled, "An act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, is hereby amended so as to read as follows:

Section 1. The university buildings of the Leland Stanford Junior University, situate in the county of Santa Clara, State of California, used for university purposes, and all bonds held or that may be held by the trustees of such university in trust for the benefit of such university, shall be exempt from taxation; *provided*, that all other property, real and personal, held in trust for the benefit of such university, shall be subject to state, county and municipal taxation; *and provided further*, that while this act is in force no fees shall be charged residents of this state for tuition at such university, except that such fees may be charged in professional and engineering courses, but no such fees shall be charged to any student who is registered in any of such courses when this act takes effect.

Exempting property of Stanford University from taxation

Tuition fees.

Sec. 2. This act shall take effect from its passage.

CHAPTER 95.

An act to amend sections 415 and 420, of the Political Code, all relating to the office of the secretary of state.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 415, of the Political Code, is hereby amended to read as follows:

Assistants
to
secretary
of state.

415. The secretary of state, to assist him in the discharge of the duties of his office, may appoint the following officers: One deputy secretary of state, a keeper of the archives, a bookkeeper, one assistant bookkeeper, six recording clerks, one register clerk, two certificate clerks, one statistician, one state janitor, one janitor's clerk, (each and all of whom shall be civil executive officers); also two engineers, one of whom shall serve only during the sessions of the legislature, two firemen, one of whom shall serve only during the sessions of the legislature, two electricians, one of whom shall serve only during the sessions of the legislature, six porters for the capitol, one messenger for the office of the secretary of state, three watchmen, four elevator attendants, two of whom shall serve only during the sessions of the legislature, and two special clerks in each legislative year, to serve from January first to May first.

SEC. 2. Section 420, of the Political Code, is hereby amended to read as follows:

Salaries of
assistants.

420. The annual salary of the keeper of the archives is two thousand dollars; of the assistant bookkeeper, two thousand dollars; of each of the recording clerks, sixteen hundred dollars; of the register clerk, sixteen hundred dollars; of each of the certificate clerks, sixteen hundred dollars; of the statistician, two thousand dollars; of the state janitor, two thousand dollars; of the janitor's clerk, sixteen hundred dollars; of one engineer, fifteen hundred dollars; of one fireman, ten hundred and eighty dollars; of one electrician, fifteen hundred dollars; of each of the porters of the capitol, ten hundred and eighty dollars; of the messenger for the office of the secretary of state, nine hundred dollars; of two elevator attendants, ten hundred and eighty dollars. The monthly salary of the engineer serving during the sessions of the legislature, one hundred and twenty-five dollars; of the fireman serving during the sessions of the legislature, ninety dollars; of the electrician serving during the sessions of the legislature, one hundred and twenty-five dollars; of each of the elevator attendants serving during the sessions of the legislature, ninety dollars; of each of the special clerks serving from the first day of January to the first day of May, during each legislative year, one hundred and twenty-five dollars. All such salaries are payable in the same manner and at the same time as other state officers.

SEC. 3. This act shall take effect immediately.

CHAPTER 96.

An act to provide for the re-appropriation of money appropriated by an act entitled "An act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor, approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of three thousand dollars heretofore appropriated for the erection of dormitories for the accommodation of attendants and employees at the California Home for the Care and Training of Feeble-Minded Children, by the provisions of an act entitled "An act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children and appropriate money therefor approved March 18, 1905, and unexpended, is hereby re-appropriated and made payable to the order of the board of managers of the said home, and directed to be used in repairing and remodeling the manor house at the grounds of the said home in Sonoma county, California; and the addition of another story thereto as a dormitory for the accommodation of attendants and employees of said home.

Repairs to Home for Feeble-Minded Children, appropriation.

SEC. 2. The controller is hereby authorized to draw his warrant on the state treasurer in favor of said board of managers for the said sum of three thousand dollars herein appropriated, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect from and after its passage and approval.

CHAPTER 97.

An act to amend section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employees.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1970 of the Civil Code of the State of California is hereby amended so as to read as follows:

1970. An employer is not bound to indemnify his employee for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless the negli-

When employer not bound to indemnify employee.

gence causing the injury was committed in the performance of a duty the employer owes by law to the employee, or unless the employer has neglected to use ordinary care in the selection of the culpable employee; *provided*, nevertheless, that the employer shall be liable for such injury when the same results from the wrongful act, neglect or default of any agent or officer of such employer, superior to the employee injured, or of a person employed by such employer having the right to control or direct the services of such employee injured, and also when such injury results from the wrongful act, neglect or default of a co-employee engaged in another department of labor from that of the employee injured, or employed upon a machine, railroad train, switch signal point, locomotive engine, or other appliance than that upon which the employee is injured is employed, or who is charged with dispatching trains, or transmitting telegraphic or telephonic orders upon any railroad, or in the operation of any mine, factory, machine shop, or other industrial establishment.

Knowledge by employee.

Knowledge by an employee injured of the defective or unsafe character or condition of any machinery, ways, appliances or structures of such employer shall not be a bar to recovery for any injury or death caused thereby, unless it shall also appear that such employee fully understood, comprehended and appreciated the dangers incident to the use of such defective machinery, ways, appliances or structures, and thereafter consented to use the same, or continued in the use thereof.

Right of action for death of employee.

When death, whether instantaneous or otherwise, results from an injury to an employee received as aforesaid, the personal representative of such employee shall have a right of action therefor against such employer, and may recover damages in respect thereof, for and on behalf, and for the benefit of the widow, children, dependent parents, and dependent brothers and sisters, in order of precedence as herein stated, but no more than one action shall be brought for such recovery.

Benefits of this section may not be waived.

Any contract or agreement, express or implied, made by any such employee to waive the benefits of this section, or any part thereof, shall be null and void, and this section shall not be construed to deprive any such employee or his personal representative, of any right or remedy to which he is now entitled under the laws of this state.

Contributory negligence.

The rules and principles of law as to contributory negligence which apply to other cases shall apply to cases arising under this section, except in so far as the same are herein modified or changed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 98.

An act to change the seat of government of the State of California from the city of Sacramento to the town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. On and after the first day of January, A. D. nineteen hundred and nine, the seat of government of the State of California shall be changed from the city of Sacramento to the town of Berkeley, and it is hereby declared that on and after said date the town of Berkeley shall be the seat of government of this state. Location of seat of government.

SEC. 2. The question of such change of the seat of government shall be submitted to the people of the state at the general state election to be held in the month of November in the year nineteen hundred and eight, and in the manner, and subject to the regulations and provisions provided in title two, of part three, of the Political Code of the State of California, for submitting any proposition or constitutional amendment to the vote of the people, and said question shall be designated on the ballot in the following words: "An act to change the seat of government of the State of California from the city of Sacramento to the town of Berkeley." Submission of question to people.
Ballots.

CHAPTER 99.

An act to amend section one hundred and seventy-two of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain state buildings and grounds.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

172. Every person who, within half a mile of the land belonging to this state upon which any state prison, or within nineteen hundred feet of the land belonging to this state upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California at Berkeley, or within one and one-half miles of the lands occupied by any home, retreat, or asylum for disabled volunteer soldiers Sale of liquors near state buildings and grounds.

or sailors, established or to be established by this state, or by the United States within this state, or within the state capitol or within the limits of the grounds adjacent and belonging thereto sells, gives away, or exposes for sale, any vinous or alcoholic liquors, is guilty of a misdemeanor.

SEC. 2. This act shall take effect immediately.

CHAPTER 100.

An act to amend section one thousand three hundred and thirty-nine of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand three hundred thirty-nine of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Probate of
wills lost,
public
calamity.

1339. No will shall be proved as a lost or destroyed will, unless the same is proved to have been in existence at the time of the death of the testator, or is shown to have been fraudulently or by public calamity destroyed in the life time of the testator, without his knowledge, nor unless its provisions are clearly and distinctly proved by at least two credible witnesses; *provided, however,* that if the testator be committed to any state hospital for the insane in this state and after such commitment his last will and testament be destroyed by public calamity, and the testator is never restored to competency, then after the death of the said testator, his said last will may be probated as though it were in existence at the time of the death of the testator.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 101.

An act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Uncapped
artesian
wells
declared
public
nuisance.

SECTION 1. Any artesian well which is not capped, equipped or furnished with such mechanical appliance as will readily and effectively arrest and prevent the flow of any water from such well, is hereby declared to be a public nuisance. The owner, tenant, or occupant of the land upon

which such well is situated, who causes, permits, or suffers such public nuisance, or suffers or permits it to remain or continue, is guilty of a misdemeanor; and any person owning, possessing or occupying any land upon which is situated an artesian well, who causes, suffers, or permits the water to unnecessarily flow from such well, or to go to waste, is guilty of a misdemeanor.

SEC. 2. For the purposes of this act, an artesian well is defined to be any artificial hole made in the ground through which water naturally flows from subterranean sources to the surface of the ground for any length of time. Artesian well defined.

SEC. 3. Waste is defined, for the purposes of this act to be the causing, suffering or permitting any water flowing from an artesian well, to run into any river, creek, or other natural water-course or channel, or into any bay or pond, (unless used thereafter for the beneficial purposes of irrigation of land or domestic use.) or into any street, road or highway, or upon the land of any person, or upon the public lands of the United States or of the State of California, unless it be used thereon for the beneficial purposes of the irrigation thereof or for domestic use or the propagation of fish. The use of any water flowing from an artesian well for the irrigation of land, whenever over ten per cent of the water received on such land for irrigation is allowed to escape therefrom, is also hereby declared to be waste within the meaning of this act. Waste defined.

SEC. 4. Each day's continuance of such waste shall constitute a new offense under this act. New offense.

SEC. 5. Any person violating any of the provisions of this act shall, for each offense, upon conviction thereof, be punished by a fine of not less than \$25.00 and not more than \$500.00, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. All prosecutions for the violation of any of the provisions of this act shall be instituted in the justice's court of the county in which such well is situated. Any fine imposed under the provisions of this act may be collected as in other criminal cases, and the justice may also issue an execution upon the judgment therein rendered, and the same may be enforced and collected as in civil cases. Penalty.

SEC. 6. All acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 7. This act shall take effect immediately.

CHAPTER 102.

An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Poison packages to be labeled.

Purchaser must be put on inquiry.

Sales must be recorded.

SECTION 1. It shall be unlawful for any person to vend, sell, give away or furnish either directly or indirectly, any poisons enumerated in schedule "A" or in sections 8 and 9 as hereinafter set forth in this act, without labeling the package, box, bottle or paper in which said poison is contained, with the name of the article, the word "Poison" and the name and place of business of the person furnishing the same. Said label shall be substantially in the form hereinafter provided. It shall be unlawful to sell or deliver any of the poisons named in schedule "A" or any other dangerously poisonous drug, chemical, or medicinal substance, which may from time to time be designated by the state board of pharmacy of California, unless on inquiry it is found that the person desiring the same is aware of its poisonous character, and it satisfactorily appears that it is to be used for a legitimate purpose. It shall be unlawful for any person to give a fictitious name or make any false representations to the seller or dealer when buying any of the poisons thus enumerated. Printed notice of all such additions to the schedule of poisons named and provided for in this section, and the antidote adopted by the board of pharmacy for such poisons, shall be given to all registered pharmacists with the next following renewal of their certificates. It shall be unlawful to sell or deliver any poison included in schedule "A" or the additions thereto, without making, or causing to be made, an entry in a book kept solely for that purpose, stating the date and hour of sale, and the name, address, and signature of the purchaser, the name and quantity of the poison sold, the statement by the purchaser of the purpose for which it is required, and the name of the dispenser, who must be a duly registered pharmacist.

Said book shall be in form substantially as follows:

Form of record.

Date and Hour.	Name of Purchaser	Residence.	Kind and Quantity.	Purpose of Use.	Signature of Druggist.	Signature of Purchaser.
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This book shall always be open for inspection by the proper authorities, and shall be preserved for at least five (5) years after the date of the last entry therein.

Form of label.

SEC. 2. The label required by this act, to be placed on all packages of poison, shall be printed upon red paper in distinct white letters, or in distinct red letters upon white paper,

and shall contain the word "poison," the "vignette" representing the skull and cross-bones, and the name and address of the person or firm selling the same. The name of an antidote if any there be for the poison sold, shall also be upon the package. No poison shall be sold or delivered to any person who is less than eighteen years of age.

SEC. 3. It shall be the duty of the state board of pharmacy to adopt a schedule of what in their judgment are the most suitable common antidotes for the various poisons usually sold. After the board has adopted the schedule of antidotes as herein provided for, they shall have the same printed and shall forward by mail one copy to each person registered upon their books, and to any other person applying for the same. The particular antidote adopted (and no other) shall appear on the poison label, provided for in section 2 of this act, or be attached to the package containing said poison. The board shall have power to revise and amend the list of antidotes from time to time, as to them may seem advisable. The entries in the poison book and the printed or written matter provided for in section 2 and 3 of this act, shall be in the English language, *provided* that the vendor of said poison may enter the same in any foreign language he may desire, in addition to said entry and label in English.

State board of pharmacy to adopt schedule of antidotes.

Entries to be in English.

SEC. 4. When in the opinion of the state board of pharmacy, it is in the interest of the public health, they are hereby empowered to further restrict, or prohibit the retail sale of any poison by rules, not inconsistent with the provisions of this act, by them to be adopted, and which rules must be applicable to all persons alike. It shall be the duty of the board, upon request, to furnish any dealer with a list of all articles, preparations and compounds, the sale of which is prohibited or regulated by this act.

State board may prohibit sale of any poison.

SEC. 5. Wholesale dealers and pharmacists shall affix or cause to be affixed to every bottle, box, parcel or other enclosure of an original package containing any of the articles named in schedule "A" the additions thereto, or in sections 8 and 9 of this act, a suitable label, or brand with the word "poison" but they are hereby exempted from the registration of the sale of such articles when sold at wholesale to a registered pharmacist, physician, dentist or veterinary surgeon duly licensed to practice in the state; *provided*, that the provisions of this act shall not apply to the sale of such upon the prescriptions of practicing physicians, dentists or veterinary surgeons who are duly licensed to practice in this state.

Duty of wholesale dealers.

SEC. 6. It is hereby made the duty of the district attorney of the county wherein any violation of this act is committed, to conduct all actions and prosecutions for the same, at the request of the board of pharmacy.

Duty of district attorney.

SEC. 7. Any person violating any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of not less than thirty dollars, or by imprisonment for not less than fifteen days, or by both such fine and imprisonment. All fines

Penalty.

recovered under this act, shall be paid by the magistrate receiving the same, to the state board of pharmacy.

SCHEDULE "A."

Schedule
of poisons.

Arsenic, its compounds and preparations, chloroform, carbolic acid, chloral hydrate, corrosive sublimate and other poisonous derivatives of mercury, corrosive sublimate tablets, and antiseptic tablets, containing corrosive sublimate, cyanide of potassium, essential oil of bitter almonds, ether, hydrocyanic acid, lysol, oils of croton, rue, savin, and tansy, pennyroyal, phosphorus and its poisonous derivatives, strophanthus, tartar emetic, and other poisonous derivatives and preparations of antimony, aconite, belladonna, nux vomica, veratrum viride, yellow jessamine, their alkaloids or other preparations, ergot, cotton root, and their preparations.

Sale of
morphine,
etc.

SEC. 8. The sale of morphine, codeine, heroin, opium and cocaine, their salts, compounds or preparations is hereby prohibited, unless upon the prescription of a physician, dentist, or veterinary surgeon, licensed to practice in this state, except preparations of opium containing less than two grains of opium to the fluid ounce.

Drugs
exempted
from reg-
istration.

SEC. 9. The drugs hereinafter named may be sold, without registration in the poison book as in this act required; *provided, however, that in all other respects the requirements of this act as to the sale of poisons must be complied with:* Acid muriatic, nitric, oxalic, and sulphuric, bromine, cocculus indicus, conium, cowhage, creosote, hyoscyamus, Indian hemp, iodine and its tinctures, nitro-glycerine, and its preparations, santonine, sugar of lead, sulphate of zinc, cantharides, digitalis, wood alcohol.

SEC. 10. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 103.

An act to amend an act entitled "An act amending section two of an act entitled, 'An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March eighteenth, eighteen hundred and eighty-five," approved February 20, 1905, by providing for the construction of storm water drains within municipalities.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That section 2 of an act entitled, "An act amending section 2 of an act entitled, 'An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipali-

ties,' approved March eighteenth, eighteen hundred and eighty-five," approved February 20, 1905, be amended so as to provide for the construction of storm water drain or storm water drains within municipalities, and to read as follows:

Section 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole, or any portion, either in length or width, of the streets, avenues, lanes, alleys, courts, or places of any such city graded or re-graded, to the official grade, planked or re-planked, paved or re-paved, macadamized or re-macadamized, graveled or re-graveled, piled or re-piled, capped or re-capped, oiled or re-oiled, sewerd or re-sewerd, and to order sidewalks, manholes, culverts, bridges, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein, or to order storm water ditches and channels, breakwaters, levees, or walls of rock, or other material, to protect the same from overflow or injury, and to order any work to be done which shall be necessary to complete the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, or places, and it may order any of the said work to be improved; and also to order a sewer or sewers, with outlets, for drainage or sanitary purposes, in, over, or through any right of way granted or obtained for such purpose; and also to order storm water drain or storm water drains, with outlets, for drainage or sanitary purposes, in, over, or through any right of way granted or obtained for such purpose; *provided*, that whenever the grade of a street, avenue, lane, alley, court, or place shall hereafter be changed, the petition of the owners of a majority of the feet fronting thereon, asking for grading the same to the new grade, shall be a condition precedent to the ordering of such grading to be done.

Work upon streets, etc.

Storm-water ditches.

Sewers.

Change of grade, conditions precedent.

SEC. 3. This act shall take effect and be in force immediately after its passage.

CHAPTER 104.

An act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

[Approved March 6, 1907.]

The people of the State of California, represented by senate and assembly, do enact as follows:

SECTION 1. A uniform wine nomenclature is hereby adopted for pure wines manufactured in this state from the juice of the grape. Such wine nomenclature shall consist in the use of the prefix "Cal" or "Cala" to the name of any kind, type, name or abbreviation of name of wine, as for example: "Calclaret,"

Uniform wine nomenclature.

“Calburgundy,” “Calariesling,” etc., in stamping or labeling such wines.

Unlawful to use prefix on impure wines.

SEC. 2. And it shall be unlawful for any person, firm or corporation, in this state, to use such prefix in connection with wine nomenclature upon any imprint, label, trademark, tag, stamp, stencil, paper, or brand, or other inscription or device, placed or impressed upon any vessel, bottles, cask, barrel, case, or package, containing any liquid substance other than pure wine of California manufacture, made from the juice of the grape; or to use in marking, branding, stamping, stenciling, tagging, or labeling any vessel, bottle, cask, barrel, case, or package containing any liquid other than pure wine of California manufacture, made from the juice of the grape, any imitation or counterfeit of such nomenclature, or any paper or brand in the similitude or resemblance thereof, or any paper or brand of such form and appearance as to be calculated to mislead or deceive any unwary person or cause him to suppose the contents thereof to be pure wine of California manufacture, origin or production, made from the juice of the grape.

Same.

SEC. 3. And it shall be unlawful for any person, firm, or corporation, in this state, to sell or offer for sale, or have in his or its possession, for sale, any liquid substance marked, branded or labeled by the use of such wine nomenclature aforesaid, or by the use of any mark, or brand, or stencil in semblance thereof, unless the same be pure wine of California manufacture, made from the juice of the grape.

Pure wine defined.

SEC. 4. For the purposes of this act, pure wine shall be such as is defined to be pure wine under the provisions of the laws of the United States relating to the fortification of pure sweet wines, and of the food and drugs act, adopted by the congress of the United States, and approved June 30th, 1906, and under laws of the State of California now or hereafter adopted.

Penalty for violation of act.

SEC. 5. Whoever violates any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars (\$100.), nor more than one thousand dollars (\$1000.), or by imprisonment in the county jail for not less than thirty days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 6. This act shall take effect sixty days after its passage.

CHAPTER 105.

An act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated to pay the claim of H. S. G. McCartney against the State of California and the state controller is hereby directed to draw his warrant in favor of H. S. G. McCartney for said sum of two thousand five hundred dollars, and the state treasurer is hereby directed to pay the same.

Claim of
H. S. G. Mc-
Cartney,
appropria-
tion.

SEC. 2. This act shall take effect immediately.

CHAPTER 106.

An act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Solinsky & Wehe against the State of California. The controller is hereby authorized and directed to draw his warrant in favor of Solinsky & Wehe for the sum of two thousand dollars and the treasurer is hereby authorized and directed to pay the same, and the direction herein contained is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code of the State of California.

Claim of
Solinsky &
Wehe,
appropriation.

SEC. 2. This act shall take effect immediately.

CHAPTER 107.

An act to amend section 2567 of the Political Code of California relating to the board of harbor commissioners of the port of Eureka on Humboldt bay.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2567 of the Political Code is hereby amended so as to read as follows:

Board of harbor commissioners of the port of Eureka.

2567. There is a board of three commissioners, known as the "Board of Harbor Commissioners of the Port of Eureka." The board of harbor commissioners of the port of Eureka shall consist of three members who shall be appointed by the governor of this state and shall hold office for a term of four years, and until each of their successors are appointed and qualify: And an appointment to fill vacancies, which may hereafter occur in the board of harbor commission of the port of Eureka shall be for the term of four years, and no person shall be eligible to the office of harbor commissioner of the said port of Eureka unless he be a citizen of the State of California and a resident of the city of Eureka.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 108.

An act to amend section 2572 of the Political Code of California relating to the board of harbor commissioners of the port of Eureka on Humboldt bay, fixing a compensation of the members thereof, etc.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2572 of the Political Code is hereby amended so as to read as follows:

Salaries of board of harbor commissioners of the port of Eureka.

2572. The commissioners of the board of harbor commissioners of the port of Eureka shall each receive a salary of four hundred dollars per annum. The secretary shall receive a salary of one thousand dollars per annum. The harbor master shall receive a salary of one thousand two hundred dollars per annum. All salaries of said commission and its officers herein named are to be paid out of the treasury of the

State of California in the same manner as the salaries of other state officers are paid.

SEC. 2. All other expenses of said commission necessarily incurred are to be paid from the treasury of Humboldt county in the same manner that claims against said county are paid. Other expenses, how paid.

SEC. 3. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 4. This act shall take effect from and after June 30th, 1907.

CHAPTER 109.

An act to amend section 1202 of the Political Code of the State of California relating to the appointment of election officers.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1202 of the Political Code of the State of California is hereby amended to read as follows:

1202. At the same time and in the same manner as inspectors and judges of election are now appointed in this state, two ballot clerks for each election precinct in the state shall be appointed, whose duty it shall be to have charge of the ballots on the day of election, and to furnish them to the voters in the manner hereinafter provided; *provided, however*, that in precincts where voting or ballot machines are used, such clerks need not be appointed. Such ballot clerks shall be electors of the precinct from which they are appointed, and shall be paid the same compensation as inspectors of election. In making appointments of such ballot clerks, one of them shall be taken from the political party that polled the largest number of votes at the last preceding general election, and the other from the party that polled the next largest number of votes at such general election. They shall act as additional clerks of election when the polls are closed, and they shall serve until the votes are counted and the returns are signed; *provided*, that whenever a general and a municipal election shall be held at the same time, there shall be appointed one additional inspector, one additional judge, and two additional clerks in the manner now provided by law. Ballot clerks.

SEC. 2. This act shall take effect immediately.

CHAPTER 110.

An act to amend an act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays, approved March 23, 1901.

[Approved March 6, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Estrays.

SECTION 1. Section 2 of the act entitled, "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts or parts of acts now in force relating to estrays, approved March 23, 1901," is hereby amended to read as follows:

Notice must be filed with county recorder.

Section 2. Any person taking up an estray animal or animals shall confine the same in a secure place, and within five (5) days file with the county recorder of the county in which such estray is found, a notice containing a description of the animal or animals taken up, with the marks and brands, if they have any, together with the probable value of each animal, and a statement of the place where the taker up found, and where he has confined the same. The county recorder shall receive for filing said notice the sum of fifty cents. If, however, the animal has the owner's brand or mark upon it, and such brand or mark has been recorded according to law, or if the finder knows the owner of said animal or the person having charge thereof, then, within five days after said animal is taken up, he shall notify the owner of said animal, or the person having charge thereof, which notice shall contain the same information as the notice to be recorded, and hereinabove provided, describing said animal so taken up, the date when it was taken up, the place where found, and the place where kept. This notice shall be in lieu of recording a notice for which notice he shall be entitled to the sum of fifty cents.

Notice to owner of branded animal.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 111.

An act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds, for the use of said normal school; and making an appropriation therefor.

[Approved March 7, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two hundred and fifty thousand dollars is hereby appropriated out of any money or moneys in the state treasury not otherwise appropriated, to be expended by the board of trustees of the San José State Normal School for the examination, tearing down, and removal of certain buildings of said normal school, which are now inefficient, and for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds, for the use of said normal school.

New build-
ings for
San José
State
Normal
School,
appropria-
tion.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant or warrants for the said amount in favor of the board of trustees of said San José State Normal School, upon the requisition of said board, and the state treasurer is hereby ordered and directed to pay such warrants, as in section three hereof provided.

SEC. 3. Of the moneys hereby appropriated, fifty thousand dollars thereof shall be available at once; one hundred thousand dollars thereof shall be available July 1, 1907; one hundred thousand dollars thereof shall be available July 1, 1908.

When
funds
available.

CHAPTER 112.

An act authorizing and directing the board of managers of the Agnews State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000.00 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost and authorizing and directing the state controller to draw his warrant for the said sum and the state treasurer to pay the same.

[Approved March 7, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

- SECTION 1.** The board of managers of the Agnews State Hospital are hereby authorized and directed to replace and reconstruct at the grounds of the Agnews State Hospital, near Agnew, California, buildings destroyed April 18, 1906, and to consist of buildings for administration, treatment, commissary, and for the occupancy of patients, employes and officers, and for furnishing and equipping the same.
- SEC. 2.** The said buildings shall be constructed in a number and according to plans to be adopted by the board of managers of the said state hospital and to be approved by the state commission in lunacy and the governor.
- SEC. 3.** The sum of eight hundred thousand dollars is hereby appropriated out of any moneys in the treasury, not otherwise appropriated to be expended for the purpose herein authorized and directed.
- SEC. 4.** The state controller is hereby authorized and directed to draw his warrant in favor of the board of managers of the Agnews State Hospital for the sum herein appropriated at such times and in such manner as the expenditure of the same shall be required, and the treasurer is directed to pay the same.
- SEC. 5.** The limitation upon the cost of buildings and equipment provided in section 2151 of the Political Code shall not apply to any construction authorized and directed by this act.
- SEC. 6.** The expenditures of money in pursuance of the purposes named in this act shall be exempt from the operation of the provisions of section III of an act entitled, "An act regulating contracts on behalf of the state in relation to erections and buildings," as amended March 20, 1905, in so far as the same relate to a call for separate bids and award of separate contracts.
- SEC. 7.** Of the moneys appropriated one hundred thousand dollars shall be available from and after the passage of this act; three hundred thousand dollars on and after July 1, 1907; two hundred thousand dollars thereof on and after January 1,

New build-
ings for
Agnews
State
Hospital.

Plans.

Appropriation.

Limitation
of cost.

Contract
law not
to apply.

When
funds
available.

1908; and two hundred thousand dollars thereof on and after July 1, 1908.

SEC. 8. This act shall take effect and be in force from and after its passage.

CHAPTER 113.

An act to definitely establish and permanently locate the eastern boundary line of Mendocino county, between Mount Hull and the southwest corner of Tehama county, and establish the western boundary of the county of Glenn between Mendocino and Glenn counties.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The eastern boundary line of the county of Mendocino between Mount Hull and the southwest corner of Tehama county is hereby established and permanently located as follows: Beginning at the monument on top of Mount Hull, established by T. P. Smythe and R. P. Hammond and party on October 20th, 1885 and approved by H. J. Willey, surveyor general of the State of California, on December 23rd, 1885, being the northeast corner of Lake county; thence due north to the half section line running east and west through section two (2), township nineteen (19) north, range ten (10) west, M. D. B. & M.; thence east along said half section line through sections two (2) and one (1) of said township, range, base and meridian, and then through section five (5) to the southeast corner of the northeast quarter of said section five (5), township nineteen (19) north, range nine (9) west M. D. B. & M.; thence north along the line between and dividing sections four (4) and five (5) of said township, range, base and meridian, and continuing north along the line between and dividing sections thirty-two (32) and thirty-three (33), twenty-eight (28) and twenty-nine (29), twenty (20) and twenty-one (21), sixteen (16) and seventeen (17), eight (8) and nine (9), and four (4) and five (5) township twenty (20) north, range nine (9) west M. D. B. & M., to the line dividing townships twenty (20) and twenty-one (21) north, range nine (9) west, M. D. B. & M.; thence west on said last mentioned line, the same being the fourth standard parallel line north, seven hundred and seventy-five (775) feet more or less to the southeast corner of section thirty-two (32), township twenty-one (21) north, range nine (9) west, M. D. B. & M.; thence north on the line between and dividing sections thirty-two (32) and thirty-three (33), twenty-eight (28) and twenty-nine (29), twenty (20) and twenty-one (21), sixteen (16) and seventeen (17), eight (8) and nine (9), four (4) and five (5), all in township twenty-one (21) north, range nine (9) west M. D.

Eastern
boundary
line of
Mendocino
county.

B. & M. to the southeast corner of section thirty-two (32) township twenty-two (22) north, range nine (9) west, M. D. B. & M.; thence west along the line between and dividing sections five (5) and thirty-two (32) to the southeast corner of section thirty-six (36), township twenty-two (22) north, range ten (10) west, M. D. B. & M.; thence north on the range line between and dividing ranges nine (9) and ten (10) west, which said line also divides sections thirty-two (32) and thirty-six (36), twenty-five (25) and twenty-nine (29), twenty (20) and twenty-four (24) to the southeast corner of the northeast quarter of section twenty-four (24); thence west along the half section line through sections twenty-four (24) and twenty-three (23) to the center of said section twenty-three (23), all in township twenty-two (22) north, range ten (10) west M. D. B. & M.; thence north along the half section line running north through sections twenty-three (23), fourteen (14), eleven (11) and two (2) in said last mentioned township, range, base and meridian, to the southwest corner of Tehama county as established in section thirty-nine hundred and fifteen (3915) of the Political Code of the State of California.

Western
boundary
line of
Glenn
county.

SEC. 2. That portion of the line described in section one of this act, beginning at a point on said line where the line dividing sections seventeen (17) and twenty (20) and sections sixteen (16) and twenty-one (21), township twenty (20) north, range nine (9) west, M. D. B. & M. crosses the same; thence north on said line as described in section one of this act to the southwest corner of Tehama county shall constitute the western boundary of Glenn county between the counties of Glenn and Mendocino.

SEC. 3. This act shall take effect immediately.

CHAPTER 114.

An act to amend section six of an act, entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one half class.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six is amended to read as follows:

Section 6. Said police court shall have a clerk for each of the judges of said court, who shall be appointed by the judge of the said court presiding in the department thereof in which the said clerk is to act, which said clerk shall hold office for

Police
court
clerks.

the term of two years from the date of appointment. Each of said clerks shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office. Each of said clerks shall receive an annual salary of two thousand and one hundred dollars a year, payable in equal monthly installments out of the treasury of said city, which salary shall be the full compensation for all services rendered by him. Each of the said clerks shall keep a record of the proceedings of, and issue all processes ordered by, the city justices, or either of them, or by said police court, and receive and pay into the city treasury all fines imposed by said court. They shall also render each month to the city council an exact and detailed account under oath of all fines imposed and collected, and of all fines imposed and uncollected since their last reports. They shall prepare bonds, justify bail when the amount has been fixed by either of said justices or by said police court, in cases not exceeding one hundred dollars, and may administer and certify oaths. Said clerks shall remain at the court rooms of said court during the business hours and during such reasonable times thereafter as may be necessary for a proper performance of their duties. Before receiving any monthly payment of salary each of said clerks shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands, belonging to the city. Any violation of this provision shall be a misdemeanor.

Bond.

Salary.

Duties.

Deposit
of city
moneys.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER 115.

An act to appropriate money to protect the banks of Eel river from erosion by means of jetty work and riprap along the banks thereof.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used for the purpose of protecting the banks of Eel river from erosion by means of jetty work and riprap along the banks thereof in the manner hereinafter specified. Said money shall be expended in Sections 2, 3, 4, 10 and 11, T. 2 N., R. 1 W., H. M. by and under the direction of the commissioner of the department of highways. The money hereby appropriated shall be made available for the purposes herein named at the following times: Fifteen thousand dollars on and after the first day of June, 1907, and ten

Protection
of banks of
Eel river,
appropriation.When
funds
available.

thousand dollars on and after the first day of July, 1908. The work shall be commenced as soon as the money appropriated is available and completed as soon as possible.

SEC. 2. The state controller is hereby authorized to draw his warrants in favor of the state commissioner of the department of highways for the amount hereby appropriated at the times provided herein for the payment of the same, and the state treasurer is hereby directed to pay the same.

CHAPTER 116.

An act to make an appropriation for the location, survey and construction of a state highway from a point known as the Mount Pleasant ranch on the road between Quincy and Marysville thence in a southeasterly direction by Eureka to Downieville, Sierra county.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Construc-
tion of
state
highway.
Appropriation.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twelve thousand dollars (\$12,000) for the location, survey and construction of a state highway from a point known as the Mount Pleasant ranch on the road between Quincy and Marysville, thence in a southeasterly direction by a place called Eureka to Downieville, Sierra county. Six thousand dollars (\$6,000) shall be available July 1, 1907, and six thousand dollars (\$6,000) shall be available July 1, 1908.

Duty of
depart-
ment of
highways.

SEC. 2. The work of locating, surveying and constructing the said highway is placed under the management and control of the department of highways, and it shall be the duty of the said department to locate, survey and construct said road upon the best ground and grades consistent with the country traversed.

SEC. 3. The state controller is hereby directed to draw his warrants in such sums and at such times as the state highway commissioner may present claims therefor, and the state treasurer is directed to pay the same.

CHAPTER 117.

An act to provide for the survey, location and construction of a state highway connecting the present county road systems of any one or all of the counties of Trinity, Tehama and Shasta with the road system of Humboldt county, which will most conveniently accommodate the citizens of said counties and making an appropriation therefor.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of fifty thousand dollars (\$50,000) for the purpose of locating, surveying and constructing a state highway connecting the present county road systems of any one or all of the counties of Trinity, Tehama and Shasta with the road system of Humboldt county, which will most conveniently accommodate the citizens of said counties.

State highway to connect with Humboldt county system.

Appropriation.

SEC. 2. The location, survey and construction of the above mentioned road is placed under the entire control and management of the department of highways of the State of California, and it shall be the duty of the said department to locate and survey such road over the best available route all matters pertaining to good road location and survey shall be thoroughly considered in the selection of said route; and the work of building shall be prosecuted as rapidly as possible after the location and survey is made.

Duty of department of highways.

SEC. 3. The department of highways is given full power to secure rights of way for the herein proposed road, and may if necessary, procure said rights of way under the provisions of the Code of Civil Procedure.

Rights of way.

SEC. 4. The money appropriated under this act shall become available at the following times: Fifteen thousand dollars on and after July 1, 1907 and thirty-five thousand dollars on and after July 1, 1908. The state controller is directed and instructed to draw his warrants in such amounts and at such times as the highway commissioner may present claims therefor, and the state treasurer is directed to pay the same.

When funds available.

SEC. 5. This act shall take effect immediately.

CHAPTER 118.

An act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges and milestones thereon.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Lake
Tahoe
wagon
road.

Appropriation.

Duty of
department of
highways.

When
funds
available.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars (\$5000) for the general improvement and completion of the survey of the Lake Tahoe wagon road, and for the building and construction of restraining walls, and permanent culverts, bridge and milestones thereon.

SEC. 2. The department of highways shall draw up plans and make specifications when requested by the Lake Tahoe wagon road commissioner and shall approve all such bridge work before any money is distributed for same, and said department shall make the survey of said road.

SEC. 3. The money appropriated under the provisions of this act is hereby made available as follows: The sum of two thousand dollars (\$2,000) is made available on and after April first, nineteen hundred and seven; two thousand dollars (\$2,000) is hereby made available on and after July first, nineteen hundred and seven, and the sum of one thousand dollars (\$1,000) is hereby made available on and after July first, nineteen hundred and eight. The state controller is hereby instructed and directed to draw his warrants at such times and in such amounts as the Lake Tahoe wagon road commissioner may present claims for; said warrants shall be drawn in favor of said Lake Tahoe wagon road commissioner and the state treasurer is hereby directed and instructed to pay said warrants and the Lake Tahoe wagon road commissioner shall distribute the same.

SEC. 4. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER 119.

An act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and sections 419, 420, 447, 448, 449 and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION I. Article XVI, of Chapter III, Part III, Title I of the Political Code and each and every section of said Title, and sections 419, 420, 447, 448, 449 and 451 of the Civil Code are hereby repealed and a new Article XVI is substituted in place thereof in the said Political Code, to read as follows: Relating to insurance.

ARTICLE XVI.

INSURANCE COMMISSIONER.

588. *Eligibility.* No person is eligible to the office of insurance commissioner or deputy who is an officer, agent, or employé of an insurance company. Eligibility.

589. The annual salary of the insurance commissioner is four thousand dollars and the annual salary of the deputy of the insurance commissioner is two thousand seven hundred dollars. Salary.

591. The commissioner may procure suitable rooms for his offices and may provide a suitable safe and furniture therefor. He may also provide stationery, fuel, printing and other conveniences and assistance and incur traveling and such other expenses as are necessary for the transaction of the business of his office. Out of the funds paid into the state treasury by the insurance commissioner, there shall be set aside and reserved each and every year the sum of twenty-five thousand dollars as a special fund to be called the insurance commissioner's special fund. All expenditures authorized in this section must be audited by the board of examiners, who must allow the same and direct payment thereof to be made, and the controller shall draw warrants therefor on the state treasury for the payment of the same to the insurance commissioner out of the said insurance commissioner's special fund. Rooms.
Expenses.
Special fund.

592. The commissioner must keep his office in the city of San Francisco. Office.

593. The commissioner must execute an official bond in the sum of twenty thousand dollars. Bond.

594. All insurance business in the State of California is hereby classified in the thirteen kinds as follows: Insurance classified.

- Life. First. Life insurance business, including endowments and annuities, but not including health or accident or sickness insurance or any casualty insurance as hereinafter provided.
- Fire. Second. Fire insurance, but not including any marine insurance, nor any inland navigation insurance, nor any casualty insurance as hereinafter provided.
- Marine. Third. Marine insurance, including ocean and inland risks, transportation and automobiles, but not including any casualty insurance as hereinafter provided.
- Title. Fourth. Title insurance, including insuring owners of real or personal property, or others interested therein, against loss by encumbrance, or defective titles, or adverse claim to title, either together with or without examination of title, or furnishing information relative thereto.
- Surety. Fifth. Fidelity and surety insurance, including the guaranteeing of persons holding places of public or private trust and guaranteeing the performance of contracts other than insurance policies and guaranteeing and executing all bonds, undertakings and contracts of suretyship.
- Accident. Sixth. Accident insurance, and either sickness or health insurance, including insurance against injury, disablement or death resulting from traveling or general accident, and against disablement resulting from sickness, and every insurance appertaining thereto.
- Plate glass. Seventh. Plate glass insurance, including all insurance against breakage of glass, whether local or in transit.
- Liability. Eighth. Liability insurance, including all insurance against loss or damage resulting from accident to or injury, fatal or non-fatal, suffered by an employé or other person for and which the insured is liable.
- Boiler. Ninth. Boiler and machinery insurance, including insurance upon steam boiler, and upon pipes, engines, and machinery connected therewith and operated thereby, against explosion and accident, and against loss or damage to life, person or property, resulting therefrom.
- Burglary. Tenth. Burglary insurance, including insurance against loss by burglary, house breaking or theft.
- Credit. Eleventh. Credit insurance, including insurance or guarantee either by agreement to purchase uncollectible debts or otherwise, to insure against loss or damage from the failure of persons indebted or to become indebted to the insured or to meet existing or contemplated liabilities.
- Sprinkler. Twelfth. Sprinkler insurance, including insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers or water pipes.
- Miscellaneous. Thirteenth. Miscellaneous insurance, including any and all casualty insurance not included under any of the foregoing twelve kinds, and which is a proper subject of insurance.
- Capital stock required for life companies. After January 1st, 1908, no company having a capital stock shall do in California any of said first kind of insurance without having a capital stock of at least \$200,000.00 nor shall any such company do in California any other of said

kinds of insurance except the sixth and eighth, *provided* that any such insurance company desiring to do the kind of insurance embraced within either the sixth or eighth kind must have in addition to such \$200,000.00 of capital stock, at least \$50,000.00 of capital stock and to do the kind of insurance embraced within both the sixth and eighth kinds at least the sum of \$100,000.00 capital stock in addition to the said \$200,000.00 of capital stock required to do the first kind of insurance.

After January 1st, 1908, no company having a capital stock shall do in California any of said second kind of insurance without having a capital stock of at least \$200,000.00 nor shall such company do in California any other of such kinds of insurance except the third nor do the third without having in addition to such \$200,000.00 capital stock at least \$200,000 capital stock for such additional kind of insurance.

Capital stock required for fire companies.

After January 1st, 1908, no company having a capital stock shall do in California any of said third kind of insurance without having a capital stock of at least \$200,000.00 nor shall any such company do in California any other of said kinds of insurance except the second nor do the second without having in addition to such \$200,000.00 capital stock at least \$200,000.00 capital stock for such additional kind of insurance.

Formarine companies.

After January 1st, 1908, no company having a capital stock shall do in California any of the 4th or 5th or 6th or 7th or 8th or 9th or 10th or 11th or 12th or 13th of said kinds of insurance without having a capital stock of at least \$100,000.00 nor shall any such company do in California any other of said 4th or 5th or 6th or 7th or 8th or 9th or 10th or 11th or 12th or 13th kinds of insurance without having in addition to such \$100,000.00 capital stock at least \$50,000.00 capital stock for each additional kind of insurance.

For other insurance companies.

Such capital stock required must be fully paid up before the doing of any such business in the State of California except that companies incorporated under the laws of California must have at least twenty-five per cent of their capital stock paid in previous to the issuance of any policies and the residue within twelve months of the filing of the certificate of incorporation.

Capital stock must be paid up.

The capital stock required must be exclusive of all liabilities for losses reported, expenses, taxes and re-insurance of all outstanding risks, as provided in section 602 of the Political Code.

Must be exclusive of liabilities.

Every company organized or formed under the laws of any other state or country as a mutual or as a joint stock and mutual company having a capital stock of not less than \$100,000.00 must have in lieu of such capital stock available cash assets of at least \$200,000.00 above all liabilities for losses reported, expenses, taxes, and re-insurance of all outstanding risks as provided in section 602 of the Political Code.

Cash assets required.

594a. No insurance company organized or existing under the laws of any country outside of the United States shall

Foreign companies, deposit of securities.

transact any business of insurance in the State of California without first making deposit, and thereafter continuously maintaining such deposit except as hereinafter otherwise specially provided, so long as any such business transacted in this state remains in existence for any purpose whatever, either unmaturred or maturred but unsettled, and whether in controversy or not. Such deposit must be of securities which the law of California permits for the investment of the assets of such California insurance companies. Such deposits may be with the insurance commissioner or superintendent of insurance, or with the auditor, comptroller or general fiscal officer of any state in the United States in which said foreign company is authorized to do such insurance business, or a like amount held in trust for the purposes herein specified as provided for by the laws of that state.

Amount of deposit.

The amount of the deposit must be equal to the minimum amount of the capital stock or available cash assets required by the preceding section.

Such deposit may for all purposes of the insurance laws of this state be treated as a part of the capital of the company making it.

Deposits in other states.

Must be certified to commissioner.

If such deposit is not so maintained in the State of California, its existence in some other state of the United States shall be certified at least annually to the insurance commissioner of the State of California by the superintendent of insurance or commissioner of insurance or auditor, or comptroller, or general fiscal officer of the state in the United States wherein such deposit is so maintained, and also so certified oftener and whenever from time to time required by the insurance commissioner of the State of California, and such certificate shall show in detail of what such deposit consists.

Value of securities deposited.

The value of such securities so deposited must be equal to the value of interest-bearing bonds of the United States government, but none of such securities shall be estimated above the par value of the same nor above the market value. Such deposits must be for the benefit and security of all the policy holders of the company in the United States. Such securities so deposited with the insurance commissioner of the State of California shall be by him specially deposited in the state treasury in packages marked with the name of the company from whom received, and so long as the company continues solvent it shall be permitted to collect the interest or dividends on the securities so deposited, and from time to time to withdraw such securities on depositing other securities in the stead of those to be withdrawn, such new securities to be of the character and value specified in this section, but none of such securities shall be withdrawn from the state treasury except upon the written order of the company making the deposit, which order must be indorsed by the insurance commissioner of the State of California or else such withdrawal must be had under the authority of some court of competent jurisdiction, which must be obtained if the insurance commissioner for any reason refuses to so indorse said

Securities, where deposited.

How withdrawn.

order. Whenever such deposit has been made with the insurance commissioner of the State of California as provided in this section said commissioner must issue to the company so depositing, a certificate under his official seal stating the items and amount of securities so deposited, and their value, to the best of his knowledge, information and belief, and in case of withdrawal and substitution, he shall issue suitable supplemental similar certificate. None of the provisions of this section shall affect the present statutes of California, either as to registered policies, or under what is known as the retaliatory law, or otherwise, either as to papers, bonds, or other securities.

595. The insurance commissioner must receive all bonds and securities of persons engaged in the transaction of insurance business in this state, and file and safely keep the same in his office, or deposit them as provided by law. He must examine and inspect the financial condition of every company engaged, or which desires to engage in the business of insurance and issue a certificate of authority to transact insurance business in this state to any company in a solvent condition which has fully complied with the laws of this state. He must determine the sufficiency and validity of all bonds and other securities required to be given by persons engaged, or to be engaged, in insurance business, and cause the same to be renewed in case of the insufficiency or invalidity thereof; and perform all other duties imposed upon him by the laws regulating the business of insurance in this state, and enforce the execution of such laws. He must make, on or before the first day of August in each year, a report to the governor of the state, containing a tabular statement and synopsis of the reports which have been filed in his office, showing, generally, the condition of the insurance business and interests in this state, and other matters concerning insurance, and a detailed verified statement, of the moneys and fees of office received by him, and for what purpose, and the printing of said report and all other printing required by the insurance department shall be exempt from the provisions of Article XII, Chapter III, Title I, Part III of the Political Code. Any insurance company may pay the fees and costs therefor and may surrender to the insurance commissioner its certificate of authority previously granted, and apply to withdraw from this state, such application to be in the form of a written instrument, duly executed, and accompanied with evidence of due authority for such execution, and such written instrument to be properly acknowledged. The commissioner, at the expense of the company, paid by it in advance, must make due publication of such application for withdrawal, daily, for the period of one week, in each of two daily newspapers of general circulation, the one published in the city of San Francisco, and the other in the city of Sacramento. The commissioner must make such examination of the books of such company as may be necessary to ascertain that such company has no liabilities outstanding

General
duties of
com-
missioner.

Companies
may
surrender
certificate:
manner of.

and not paid to residents of this state and no uncanceled policies in favor of residents of this state and if he finds that such company has no outstanding liabilities to residents of this state and no uncanceled policies in favor of the residents of this state, he shall cancel such certificate of authority. All such examinations must be at the expense of the company, and such expense must be paid in advance.

Certificate to do business.

596. No company shall transact any insurance business in this state without first complying with all the provisions of the laws of this state and thereafter procuring from the insurance commissioner a certificate of authority and continuing to comply with the laws of this state, *provided* that insurance in companies not authorized to transact business in this state may be placed upon the terms and conditions in this section hereafter set forth.

Such certificate of authority shall expire on the first day of July after it is issued unless sooner revoked, and must be renewed annually.

No certificate of authority shall be granted or renewed to any company in arrears to the state, or to any county or city of the state, for fees, licenses, taxes, assessments, fines or penalties accrued upon business previously transacted in the state nor while the company is otherwise in default for failure to comply with any of the laws of this state regarding the government and control by the state, of such company and all such authorizations and certificates of authority heretofore granted shall expire on July 1st, 1907.

Licenses to procure insurance in companies not authorized to do business.

The insurance commissioner may issue a license to any citizen of this state, subject to revocation at any time, permitting the person named therein to procure policies of insurance on risks located in this state for companies not authorized to transact business in this state, and for such license the insurance commissioner shall collect a fee of fifty dollars for each such license and renewal thereof and each such license and renewal shall expire on the first day of July unless sooner revoked.

Affidavit required.

Before the person named in such license shall procure any insurance in such company he shall in every case execute and file with the insurance commissioner an affidavit that he is unable to procure, for a specified person, firm or corporation, in a majority of the companies authorized to do business in this state the amount of insurance necessary.

Account of business.

Every person so licensed shall keep a separate account of the business done under said license, open at all times to the inspection of the insurance commissioner, and shall file a certified copy thereof forthwith with the insurance commissioner, showing the exact amount and character of such insurance placed for any person, firm or corporation, the gross premiums charged thereon, the companies in which the same is placed, the dates of the policies and the terms thereof, the location of the insured property and also a report in the same detail of all such policies canceled and the gross return thereon.

Before receiving such license the person licensed shall execute and deliver to the insurance commissioner a bond to the people of the State of California in the penal sum of twenty thousand dollars, with such sureties as the commissioner shall approve, conditioned that the licensee will faithfully comply with all the requirements of this section, and will file with the insurance commissioner on or before the first day of March of each year, a sworn statement of the gross premiums charged for insurance procured or placed, and the gross return premiums on such insurance canceled under such license during the year ending on the thirty-first day of December last preceding, and will pay to the insurance commissioner of the State of California, for the use and benefit of said state, an amount equal to four per cent of such gross premiums less such return premiums so reported, and in default of the payment of any sum imposed by this section, the said insurance commissioner may sue for same in any court of record in this state.

Bond of licensee.

Any person, firm, company or corporation for whom such insurance as herein specified shall have been effected, whenever required by the insurance commissioner so to do, shall produce for examination by him the policy or policies issued for such insurance, and disclose to him the true amount of the gross premiums agreed to be paid therefor, and upon refusal so to do shall forfeit to the State of California for each such refusal the sum of two hundred dollars to be recovered in a civil action.

Examination of policies issued by licensee.

All policies and insurance contracts issued without full compliance, by all parties concerned, with the laws of this state are null and void.

596a. Before the insurance commissioner issues any certificate of authority or any other certificate or gives any permission or authority of any kind, based upon any written instrument or document or certified copy thereof, required by the statutes of the State of California, the commissioner shall submit such instrument, document or certified copy to the attorney-general of the State of California, who shall examine the same and return it to the commissioner with his certificate or opinion as to whether such instrument, document or certified copy is in accordance with the requirements of law, and such certificate or opinion of the attorney-general shall govern and control the commissioner, subject only to review by a court of competent jurisdiction, *provided* that neither the authority to nor bond of an agent or solicitor, nor the annual statements as to the condition and affairs need, but may, be so submitted (with the same effect) by the commissioner to the attorney-general.

Attorney-general to examine documents.

597. The commissioner, whenever he deems necessary, or whenever he is requested by verified petition, signed by twenty-five persons interested, either as stockholders, policyholders, or creditors of any company engaged in insurance business in this state, showing that such company is insolvent

Examination of companies alleged to be insolvent.

under the laws of this state, must make an examination of the business and affairs relating to the insurance business of such company, and must make such an examination whenever any company is organized to do insurance business in this state, and before issuing a certificate of authority other than renewals to such company, and may make such examination whenever any company not organized under the laws of this state applies for a certificate to do insurance business in this state, and before issuing a certificate of authority to such company; and for such purposes shall have free access to all the books and papers of such company, and must thoroughly inspect and examine all its affairs, and ascertain its condition and ability to fulfill its engagements, and that it has complied with all the provisions of law applicable to its insurance transactions. Such company must open its books and papers for the inspection of the commissioner, and otherwise facilitate such examination; and the commissioner may administer oaths and examine under oath any person relative to the business of such company; and if he finds the books to have been carelessly or improperly kept or posted he must employ sworn experts to re-write, post and balance the same at the expense of such company. Such examination must be conducted in the county where such company has its principal office, and must be private, unless the commissioner deems it necessary to publish the result of such investigation, in which case he may publish the same in two of the public newspapers of this state, one of which must be published in the city of San Francisco. Whenever the commissioner shall deem such examination necessary, the same must be at the expense of the company, such expense to be paid in advance, and if any such company refuses to pay such expenses in advance the insurance commissioner may refuse to issue any such certificate of authority and must revoke any existing certificate of authority authorizing such company to do business.

Inspection
of books.

Policy-
holders
may
procure
informa-
tion about
policies.

598. Any person interested in, as owner, assignee, pledgee or payee, of any policy of insurance and desiring any information about such policy, may file with the insurance commissioner an affidavit showing that he is entitled to the benefits of the provisions of this section and apply to the insurance commissioner for his certificate of the facts or information desired. If the records of his office show the facts or information desired, the insurance commissioner shall prepare his certificate reciting such facts or information. If his records do not show the facts or information desired the insurance commissioner may deliver an order to the agent of the company, designated under section 616 of the Political Code, directing such company to state such information or facts in an affidavit and deliver such affidavit to him. In such affidavit the company must make a full, true and correct statement of all the said facts and information in the possession of said company, whether such information

Company
must make
statement.

be contained in the books, records, or papers in this state or in any other state or country. If such company neglects or refuses to make and deliver such affidavit to the insurance commissioner within ninety (90) days from the date of the delivery of the said order by the commissioner to the said agent as herein provided, the commissioner must revoke the certificate of authority authorizing the company to do business in this state. Immediately after receiving any affidavit from any insurance company pursuant to the provisions of this section the commissioner must certify such affidavit to the person so applying for the information or facts. Such affidavit so certified by the insurance commissioner shall be delivered to the applicant by delivering it to him personally or by depositing the same in the United States postoffice and prepaying the postage thereon. If a loss has been sustained under any policy of insurance and such policy has been lost or destroyed all rights of every kind and nature and the time for the presentation of notice of loss and the time for the presentation of proof of loss are stayed from the date such interested person delivers to the commissioner the affidavit herein provided for and until five days after the date of the delivery by the insurance commissioner to such interested person of any affidavit furnished by any insurance company pursuant to the provisions of this section.

Lost policy, stay of rights.

599. The commissioner may issue subpoenas for witnesses to attend and testify before him on any subject touching insurance business, or in aid of his duties, which may be served, obeyed, and enforced as provided in the Code of Civil Procedure for civil cases, and the commissioner may issue attachments and impose the same penalty which a court might impose for disobedience; and, in addition, the defaulting witness may be punished as provided in the Penal Code.

Subpoena.

600. The commissioner must keep and preserve in a permanent form a full record of his proceedings, including a concise statement of the condition of each company visited or examined by him.

Records of commissioner.

600a. If any insurance company (whose certificate of authority has been revoked by the insurance commissioner on the ground that such company is insolvent) within ninety days after the receipt of the notice of revocation, shall repair its capital to such an extent that such company is solvent within the provisions of section six hundred and two (602) of the Political Code, then upon such fact being made to appear to the insurance commissioner, he may issue a new certificate of authority in the same manner and to the same effect as an original certificate of authority.

Restoration of authority after revocation.

601. The commissioner may employ an actuary to make the valuation of life policies at a compensation of not exceeding one cent for each thousand dollars of insurance, to be paid by the company for which the valuation is made.

Employment of actuary.

602. *What constitutes insolvency.* Whenever provisions for the liabilities of any company engaged in the business of

What constitutes insolvency.

What constitutes
insolvency.

fire, marine, or inland navigation insurance in this state, for losses reported, expenses, taxes and reinsurance of all outstanding risks, estimated at fifty per cent of the premiums received and receivable on all fire risks and marine time risks, at the full premiums received and receivable on all other marine risks, would so far impair its capital paid in as to reduce the same below two hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent; and in case of a company engaged in such insurance in this state, on the mutual plan, if the available cash assets of such company shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of two hundred thousand dollars, such company is insolvent; and wherever provision for the liabilities of any company engaged in the business of insuring any one against loss or damage resulting from accident to or injury suffered by an employé or other person for which the person insured may be liable, for losses reported, expenses, taxes, and reinsurance of all outstanding risks estimated as provided in section six hundred and twelve *a* of the Political Code would so far impair its capital paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in any kind of insurance business in this state, other than life, liability, and insurance of titles to real estate, provided for in section four hundred and twenty of the Civil Code of this state, for losses reported, expenses, taxes, and reinsurance of all outstanding risks, estimated at such rates as are accepted by the insurance authorities of the State of New York, would so far impair its capital paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such company is insolvent; and in case of a company engaged in such insurance business in this state, on the mutual plan, if its available cash assets shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of one hundred thousand dollars, such company is insolvent. In the case of a company engaged in the business of life insurance, whenever its liabilities for losses reported, expenses, taxes, and reinsurance of all its outstanding risks written prior to January 1st, eighteen hundred and ninety-two, at the rates based upon the American Experience Table of Mortality with interest at the rate of four and one half per cent per annum, and reinsurance of all its outstanding risks written from and after the thirty-first day of December, eighteen hundred and ninety-one, up to and including the thirty-first day of December, nineteen hundred and seven, at rates based upon the Combined Experience or Actuaries Table of Mortality with interest at the rate of four per cent per annum, and reinsurance of all its outstanding risks written from and after December thirty-first, nineteen hundred and seven, at rates based upon the American Experience Table of Mortality with interest

at the rate of three and one half per cent per annum, exceeds its assets such company is insolvent. In the case of a company engaged in the business of insurance of the title to real estate, whenever provision for its liability for losses reported, expenses, and taxes, would, after exhausting its surplus fund, so far impair its capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent.

602a. In estimating the condition of any company engaged in the business of liability insurance under the provisions of this article the insurance commissioner shall charge as liabilities all outstanding indebtedness of such company, and the premium reserve on policies in force, equal to the unearned portions of the gross premiums charged for covering risks, computed on each respective risk from the date of the issuance of the policy. There shall also be charged as a liability to each company engaged in the business of insuring any one against loss or damage resulting from accident to or injury suffered by an employé or other person for which the person insured may be liable, whether a natural person, a firm or a corporation organized under the laws of this or any other state or country, a further reserve as hereinafter provided. For the purpose of computing said reserve, each company which has been engaged in liability underwriting for ten years or more, shall, on or before the first day of October in each year, state in writing to the insurance commissioner its experience in the United States, under all forms of liability policies, each year separately according to the calendar years in which the policies were written, during a period of five years commencing ten years previous to the thirty-first day of December of the year, in which the statement is made, in the following particulars, namely: The number of persons reported injured under all of the forms of liability policies, whether such injuries were reported to the home office of the given person or to any of his representatives; the amount of all payments made on account or in consequence of injuries reported under such policies; the number and amount, separately, of all suits or actions against policy-holders under such policies which have been settled, either by payment or compromise; both of the above amounts to be ascertained as of date of the thirty-first day of August of the year in which the statement is made, and to include in the case of suits all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought. Each person shall thereupon reserve upon all said kind of policies, irrespective of the date at which the policies were issued, (1) for each suit or action pending, on injuries reported prior to eighteen months previous to the date of making the statement, whether such injuries were reported to the home office of the given company or to any of its representatives, and which is being defended for or on account of the holder of any such policy, the average cost thereof as shown by said experience.

How condition of company shall be estimated.

How reserve to be computed.

and (2) for injuries reported under such policies at any time within eighteen months, whether such injuries were reported to the home office of the given person or to any of his representatives, the average cost for each injured person as shown by said experience. From the sum so ascertained the person may deduct (1) the amount of all payments on said pending suits on injuries reported prior to eighteen months, including all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought, and (2) the amount of all payments made on account or in consequence of said injuries reported within eighteen months; both of the above amounts to be taken as of the date at which the statement is made. Any person who now issues, or shall hereafter issue, liability policies as aforesaid, and who shall not be engaged in liability underwriting for ten years, shall nevertheless, until such times as he may be able to state his experience of the period hereinbefore required, make and maintain a reserve upon all said kind of policies, irrespective of the date at which the policies were issued, determined as follows: (1) For each suit or action pending, on injuries reported prior to eighteen months previous to the date of making the statement, whether such injuries were reported to the home office of the given company or to any of his representatives, and which is being defended for or on account of the holder of any such policy, the average cost thereof as shown by the average of said experience of all other persons stated as required by this section, and (2) for injuries reported under such policies at any time within eighteen months, whether such injuries were reported to the home office of the given person or to any of his representatives, the average cost for each injured person as shown by the average of said experience of all other companies stated as required by this section; which average costs for suits and for injured persons shall be furnished by the insurance commissioner to each such company on or before the first day of December, in each year. From the sum so ascertained each company may deduct (1) the amount of all payment on said pending suits on injuries reported prior to eighteen months, including all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought, and (2) the amount of all payments made on account or in consequence of said injuries reported within eighteen months; both of the above amounts to be taken as of the date at which the statement is made.

603. Whenever the commissioner ascertains that any company engaged in the insurance business is insolvent within the meaning of this chapter, he must revoke the certificate of authority granted, and send by mail to such company, addressed to it at its principal place of business, or deliver to it, a notice of such revocation and cause a copy of such notice together with the proof of service to be filed in his office.

Insolvent
companies,
notice of
revocation
of
certificate.

604. When the insurance commissioner ascertains that any insurance corporation is insolvent he must certify such fact to the attorney-general. Upon receipt of such certificate so made by the insurance commissioner, the attorney-general must commence an action against such company under the provisions of Chapter V, Title X, Part II of the Code of Civil Procedure. If on the trial of any such action it appears to the court that such company is insolvent, before causing judgment to be entered, the court may direct the corporation and the officers thereof to levy an assessment on the capital stock sufficient to enable the defendant corporation to pay its debts. and in such order shall give full directions as to the manner of levying such assessment and the amount thereof, and such assessment must be levied before judgment is entered. In all other respects the relief awarded against the defendant company shall be the same as provided in said chapter five of the Code of Civil Procedure. Any receiver thereafter appointed to liquidate the affairs of such company, shall have full power to bring such actions as may be necessary for the purpose of recovering the amounts of the assessments levied as herein provided. In any action commenced pursuant to the provisions of this section the court shall have power to authorize the defendant insurance company, or the receiver appointed to liquidate the affairs of such company, to reinsure all or any part of the business theretofore written by such company.

Report to
attorney-
general.

604a. When the insurance commissioner shall have revoked the certificate of authority authorizing any insurance company, not a corporation, to do business on the ground that such company is insolvent, any person or persons may commence insolvency proceedings against such company. Such proceedings must be done, had, and taken in all respects as provided by the then existing insolvency laws of the state.

Insolvency
pro-
ceedings.

605. The commissioner must require in advance, in United States gold coin, the following fees: (1) For filing the articles of incorporation or certified copies of articles or other certificates required to be filed in his office, thirty dollars; (2) for filing the annual statement required to be filed, twenty dollars; (3) for filing any other papers required by this chapter to be filed, five dollars; (4) for furnishing copies of papers filed in his office, twenty cents per folio; (5) for certifying copies, one dollar each; (6) for each certificate issued, as provided in section six hundred and nineteen, the sum of five dollars; (7) for filing any copy of any paper in this section mentioned or any amendment thereof, ten dollars; (8) for registering each policy, one dollar; (9) for issuing each annual certificate of authority authorizing any insurance company to transact business in this state, ten dollars annually; (10) for issuing each annual license authorizing an agent to solicit any insurance business, one dollar; (11) for attaching the seal of office to any paper or document not herein specified, one dollar; (12) for issuing any other certificate, two dollars.

Fees of
com-
missioner.

Assess-
ments.

606. If the salary of the commissioner and the expenses of his office exceed the fees and charges collected by him, such excess must be annually assessed by the commissioner upon all persons or corporations engaged in the business of insurance in this state, and they are severally liable therefor, pro rata, according to the amount of premiums received or receivable from risks taken in this state, respectively, during the year ending on the thirty-first day of December next preceding the assessment. The commissioner must collect all fees and assessments, and pay monthly into the state treasury whatever amounts may be received and collected by him. If any insurance company neglects or refuses to pay the amount of any such assessments within ten days after demand thereof in writing by the insurance commissioner, the commissioner may revoke the certificate of authority previously granted and commence an action to recover such assessment.

What
papers
companies
must file
with com-
missioner.

607. The commissioner must cause every company, before engaging in the business of insurance, to file in his office as follows:

1. If incorporated under the laws of this state, a copy of the articles of incorporation certificate of any increase or diminution of the capital stock, certified by the secretary of state to be a copy of that which is filed in his office;

2. If incorporated under the laws of any other state or country, a copy of the articles of incorporation, if organized or formed under any law requiring articles to be filed, duly certified by the officer having the custody of such articles; or if not so organized, a copy of the law, charter, or deed of settlement under which the deed of organization is made, duly certified by the proper custodian thereof, or proved by affidavit to be a copy; also, a certificate under the hand and seal of the proper officer of such state or country having supervision of insurance business therein, that such corporation or company is organized under the laws of such state or country, with the amount of capital stock or assets required by this article.

3. If not incorporated, a certificate setting forth the nature and character of the business, the location of the principal office, the names of the persons and of those composing the company, firm, or association, the amount of actual capital employed or to be employed therein, and the names of all officers and persons by whom the business is or may be managed. The certificate must be verified by the affidavit of the chief officer, secretary, agent, or manager of the company; and if there are any written articles of agreement or company, a copy thereof must accompany such certificates; *provided, however*, when the number of persons composing such company shall exceed ten, such certificate need not state the names of any greater number of persons than ten, who shall be the largest owners; and if such company be formed out of the United States, the said certificate need not contain

the names of any officers or managers other than those resident within the United States, nor any statement of capital not employed within the United States, and the affidavit must be made by the chief executive officer or manager in the United States.

When by any law, agreement, or other instrument, any change is made in respect to the particulars set forth in any certificate hereinabove mentioned, a certified copy of such law, agreement, or other instrument must be filed by such insurance company with the insurance commissioner.

608. If any foreign insurance company doing business in this state shall transfer or cause to be transferred to the United States circuit court from any court of this state having jurisdiction of the subject matter, any action or special proceeding arising or growing out of any business previously transacted in this state, then the insurance commissioner shall have the power and it shall be his duty upon receiving a certified copy of the record showing the facts hereinabove set forth to immediately revoke the certificate of authority authorizing such company to transact insurance business in this state.

Actions
not to be
transferred
to
U. S. court.

609. The commissioner must require the name under which any company hereafter proposes to be formed or organized under the laws of this state, for the transaction of insurance business, to be submitted to him before the commencement of such business; and he may reject any name or title so submitted when the same is an interference with or too similar to one already appropriated, or likely to mislead the public in any respect; and in such case a name not liable to such objection must be chosen.

Approval
of name of
company.

610. The commissioner must require statements and reports to be verified as follows: (1) If it be made by a corporation organized under the laws of this state, by the oaths of any two of the executive officers thereof; (2) If it be made by an individual or firm, by the oath of such individual or member of the firm; (3) If made by a foreign insurance company, or person, by the oath of the principal executive officer thereof, or manager residing within the United States.

Statements
to be
verified.

611. All companies doing business in this state must make and file with the insurance commissioner, on or before the first day of March of each year statements, which must exhibit the condition and affairs of every such company, on the thirty-first day of December then next preceding, which statements, as adjusted by the commissioner upon a proper examination of the same, must be published by such company daily, for the period of one week, in some newspaper published in the city where the principal office in this state is located.

Annual
statements
of com-
panies.

612. Such statement, if made by other than life insurance companies, must show:

What
statements
must show.

First—The amount of the capital stock of the company.

Capital.

Second—The property or assets held by the company, specifying:

Assets.

1. The value of real estate held by said company;

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying the same;

3. The amount of cash in the hands of agents, and in course of transmission;

4. The amount of loans secured by bonds and mortgages, constituting the first lien on real estate, on which there is less than one year's interest due or owing;

5. The amount of loans on which interest has not been paid within one year previous to such statement;

6. The amount due the company upon which judgments have been obtained;

7. The amount of stocks of this state, of the United States, or any incorporated city of this state, and of any other stocks owned by the company, specifying the amount, number of shares, and par and market value of each kind of stocks.

8. The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par value and its market value;

9. The amount of interest due and unpaid;

10. The amount of all other loans made by the company, specifying the same;

11. The amount premium notes on hand on which policies are issued;

12. All other property belonging to the company, specifying the same.

Liabilities.

Third—The liabilities of such company, specifying:

1. The amount of losses due and unpaid;

2. The amount of claims for losses resisted by the company;

3. The amount of losses in process of adjustment or in suspense, including all reported or supposed losses;

4. The amount of dividends declared, due, and remaining unpaid;

5. The amount of dividends declared, but not due;

6. The amount of money borrowed and security given for the payment thereof;

7. Gross premium (without any deductions) received and receivable upon all unexpired fire risks running one year or less from date of policy, reinsurance thereon at fifty per cent;

8. Gross premiums (without any deductions) received and receivable upon all unexpired fire risks running more than one year from the date of policy, reinsurance thereon pro rata;

9. Gross premiums (without any deductions) received and receivable upon all unexpired marine and inland navigation risks, except time risks, reinsurance thereon at one hundred per cent;

10. Gross premiums (without any deductions) received and receivable on marine time risks, reinsurance thereon at fifty per cent;

11. Amount reclaimable by the insured on perpetual fire insurance policies, being ninety-five per cent of the premiums or deposit received;

12. Reinsurance fund and all other liabilities, except capital;

13. Unused balances of bills and notes taken in advance for premiums on open marine and inland policies, or otherwise, returnable on settlement;

14. Principal unpaid on scrip or certificates of profits, which have been authorized or ordered to be redeemed;

15. Amount of all other liabilities of the company, specifying the same.

Fourth—The income of the company during the preceding year, specifying: Income.

1. The amount of cash premiums received;

2. The amount of notes received from premiums;

3. The amount of interest money received, specifying the same;

4. The amount of income received from all other sources, specifying the same.

Fifth—The expenditures of the preceding year, specifying: Expenditures.

1. The amount of losses paid;

2. The amount of dividends paid;

3. The amount of expenses paid, including commissions and fees to agents and officers of the company;

4. The amount paid for taxes;

5. The amount of all other payments and expenditures.

Sixth—1. The amount of risks written during the year;

2. The amount of risks expired during the year;

3. The amount of risks written during the year in the State of California;

4. The amount of premiums thereon.

Provided, That any foreign fire, marine, or inland insurance company, incorporated or not incorporated, doing business within this state, shall return only the business done in the United States and the assets of the company situated in the United States and held for the protection of the policyholders of the company who are residents of the United States, except that any further returns requested from time to time by the insurance commissioner must be made.

613. Such statement, if made by life, health, and accident companies, must show: Statements of life, health, and accident companies.

CAPITAL.

First—The amount of the capital stock of the company. Capital.

ASSETS.

Second—The property or assets held by the company, specifying: (1) The value of the real estate held by the company; (2) The amount of cash on hand and deposited in banks to the credit of the company, specifying the same; (3) The amount of loans secured by bond and mortgage on real estate, specifying the same; (4) Amount of loans secured by pledge of bonds, stocks, or other marketable securities as collateral, specifying the same; (5) Cash market value of all stocks and bonds owned by the company, specifying the same; Assets.

(6) Interest due the company and unpaid; (7) Interest accrued, but not due; (8) Premium notes and loans in any form taken in payment of premiums on policies now in force; (9) Gross amount of premiums in process of collection and transmission on policies in force; (10) Gross amount of deferred premiums; (11) All other assets, specifying the same.

LIABILITIES.

Liabilities. Third—(1) Claims for death losses and matured endowments due and unpaid; (2) Claims for death losses and matured endowments in process of adjustment or adjusted and not due; (3) Claims resisted by the company; (4) Amounts due and unpaid on annuity claims; (5) Trust funds on deposit or net present value of all outstanding policies, computed according to the American Experience Table of Mortality, with interest at the rate of four and one-half per cent per annum upon all outstanding risks written prior to January 1st, 1892, and according to the Combined Experience or Actuaries' Table of Mortality with interest at the rate of four per cent per annum upon all outstanding risks written from and after the 31st day of December, 1891, up to and including the 31st day of December, 1907, and according to the American Experience Table of Mortality with interest at the rate of three and one-half per cent per annum upon all outstanding risks written from and after December 31st, 1907; (6) Additional trust fund on deposit, or net present value of extra and special risks, including those on impaired lives; (7) Amount of all unpaid dividends of surplus percentage, bonuses, and other description of profits to policy-holders, and interest thereon; (8) Amount of any other liability to policy-holders or annuitants not included above.

INCOME.

Income. Fourth—(1) Cash received for premiums on new policies during the year; (2) Cash received for renewal of premiums during the year; (3) Cash received for purchase of annuities; (4) Cash received for all other premiums; (5) Cash received for interest on loans, specifying the same; (6) Rents received; (7) Cash received from all other sources, specifying the same; (8) Gross amount of notes taken on account of new premiums; (9) Gross amount of notes taken on account of renewal premiums.

EXPENDITURES.

Expenditures. Fifth—(1) Cash paid for losses; (2) Cash paid to annuitants; (3) Cash paid for lapsed, surrendered, and purchased policies; (4) Cash paid for dividends to policy-holders; (5) Cash paid for dividends to stockholders; (6) Cash paid for reinsurances; (7) Commission paid to agents; (8) Salaries and other compensation of officers and employes, except agents and medical examiners; (9) Medical examiners' fees and salaries; (10) Cash paid for taxes; (11) Cash paid for

rents; (12) Cash paid for commuting commissions; (13) All other cash payments.

Sixth—Balance sheet of premium note account.

Seventh—Balance sheet of all the business of the company.

Eighth—(1) Total amount of insurance effected during the year on new policies; (2) Total amount of insurance effected during the year in the State of California; (3) Premiums received during the year on business done in the State of California.

614. Mutual companies formed, existing, and doing business under an act entitled "An act to provide for the incorporation of mutual insurance companies," passed April twenty-sixth, eighteen hundred and fifty-one, may report their approved stock as capital paid up, and such notes for all purposes must be deemed part of the paid-up capital stock of such corporation. Mutual companies.

615. The insurance commissioner must cause to be prepared, and furnish on demand to each of the companies printed forms of the statements herein required; and he may make such changes from time to time in the form of such statements and reports as seems to him best adapted to elicit from the companies a true exhibit of their condition. The same forms must be so furnished on demand to all companies engaged in the same kind of business. Forms of statements to be furnished.

616. The insurance commissioner must require, as a condition precedent to the transaction of insurance business in this state by any foreign insurance company, that such company file in his office a writing designating the name of an agent, and his place of business in this state, on whom any notice provided by law or by any insurance policy, proof of loss, summons and other process may be served in all actions or other legal proceeding against such company. All notices, proof of loss, summons, or other process so served give jurisdiction over the person of such company. The agent so appointed and designated shall be deemed in law a general agent, and must be the principal agent of such company in this state; any such foreign company shall, as a further condition precedent to the transaction of insurance business in this state, and in consideration of the privilege to transact such insurance business in this state, make and file with the insurance commissioner an agreement or stipulation, executed by the proper authorities of such company, in form and substance as follows: The (giving name of company) does hereby stipulate and agree that, in consideration of the permission granted by the State of California to it to transact insurance business in this state, that if at any time said company shall leave this state or cease to transact business in this state or shall be without an agent in said state, on whom any notice, proof of loss, summons, or other legal process may be served, then in any action or proceeding arising out of any business or transactions which occurred in this state, service of any notice provided by law, or insurance policy, proof of loss, summons, or other legal process may be made upon the insur- Foreign companies must designate name of agent.
Stipulation.

ance commissioner, and that such service upon the commissioner shall have the same force and effect as if made upon the company. Whenever such service of notice, proof of loss, summons, or other legal process shall be made upon the insurance commissioner, he must, within ten days thereafter, transmit by mail, postage paid, a copy of such notice, proof of loss, summons, or other legal process to the company, addressed to the manager, president, or secretary thereof at its home or principal office. The sending of such copy by the commissioner shall be a necessary part of the service of the notice, proof of loss, summons, or other legal process.

Service of
process.

When any notice, summons, or other legal process is served upon the insurance commissioner pursuant to the provisions of this section, the service as to the company shall be deemed complete at the end of sixty (60) days after the date of the delivery of the notice, summons, or other process to the insurance commissioner.

When any notice, provided by law or by any insurance policy, is to be served on the agent designated, as in this section provided, such service may be made as provided in Chap. V, Part II, Title XIV of the Code of Civil Procedure.

Penalty
for failure
to file
state-
ments.

617. The commissioner must collect the sum of one hundred dollars from any company engaged in the business of insurance in this state, for a willful failure to make and file in his office within the time prescribed by law, any statements or stipulations required by this title, and an additional penalty of two hundred dollars for each and every month or fractional part of a month thereafter, that such company continue to transact the business of insurance until such statements and stipulations are filed.

When laws
of other
states
require
trust
deposits,
duty of
commis-
sioner.

618. Whenever the laws of any state of the United States, or of any country foreign to the United States, require any insurance company organized under the laws of this state, to deposit with some officer of this state securities in trust for, and for the benefit of, the policy-holders of such company, as a prerequisite to transacting insurance business in such other state or foreign country, and whenever under any laws of this state any insurance company is required to deposit with any officer of this state securities in trust for, and for the benefit of policy-holders of such company, the insurance commissioner of this state must receive from such company securities in the amount required by the law under which such deposit is made on deposit and in trust for the policy-holders of such company. The value of such securities must be equal to the value of interest-bearing bonds of the United States government, but none of such securities must be estimated above the par value of the same, nor above their market value. The commissioner must, upon the receipt of such securities, forthwith make a special deposit of the same in the state treasury, in packages marked with the name of the company from whom received, where they must remain as security for policy-holders in the company to which they respectively belong; but so long as the company continues solvent he must

Special
deposit in
state
treasury.

permit it to collect the interest or dividends on the securities so deposited, and from time to time to withdraw any such securities on depositing other securities in the stead of those to be withdrawn. Such new securities to be of the same value and character mentioned in this section, but such securities must not be withdrawn from the state treasury unless upon the written order of the company making the deposits, which order must be indorsed by the commissioner, or upon the order and authority of some court of competent jurisdiction. If the deposit is of mortgages, it shall be accompanied by full abstracts of title or policies of title insurance or certificates of title issued by a duly organized title insurance company authorized to transact business under the laws of California, and the fees for examination of title, unless accompanied by such certificates of title or policies of title insurance, and the fees for appraisal of property shall be paid by the company making the deposit. If the deposit is of stocks or bonds, it shall be accompanied by the fees necessary for the appraisal thereof.

619. Whenever an insurance company has deposited with the commissioner the requisite security, in conformity with the requirements of the preceding section, the commissioner must issue to such company a certificate, under his official seal, of such deposit, for each state or country requiring the same, which said certificate must state the items and amount of securities so deposited, and that they are of the value therein represented.

620. Whenever any insurance company so depositing securities with the commissioner has paid, canceled, or reinsured all its unexpired policies outstanding in the state, satisfactorily to the insurance commissioner, and all its liabilities under such policies are extinguished, or assumed by other responsible companies or corporations, then, if on application of such company, duly verified, and from an examination of the books of the company, and of its officers under oath, the insurance commissioner is satisfied that all of its policies are so paid, canceled, extinguished, or reinsured, he must deliver up to the company the securities deposited; *provided, however*, that pending such examination the securities requested to be withdrawn may at the discretion of the commissioner be delivered to the depositor upon the condition that the applicant deposit with the commissioner securities of like value; and whenever the laws of any other state or country, by reason of which section six hundred and twenty-two of the Political Code of this state is brought into force, shall be repealed and abrogated, then any deposit which shall have been made with the commissioner, under and by reason of said section six hundred and twenty-two of the Political Code, must be delivered up to the company making the deposit.

621. The commissioner must make an annual examination of the securities received by him from each insurance company, and if it appear at any time that the securities deposited by any such company amount to less than the sum required for the purposes for which the deposit was made, he must notify the

company thereof, and unless the deficiency is made up within thirty days after notice, the commissioner must revoke the certificate of authority previously granted and countermand all the certificates he may have issued to the company under this chapter, and give notice thereof to the officers of the several states to whom the certificate may have been transmitted.

Relative
to laws
of other
states.

622. When by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind must be imposed upon insurance companies of such other state or country doing business in this state. And whenever under this section any deposit of security shall be made in this state, such deposit shall be made in bonds of the United States government, or in those of the State of California, or in interest-bearing bonds of any of the countries or incorporated cities and towns of the State of California, not in default for interest on such bonds, which said securities must be estimated at not exceeding their par value nor their market value.

Tax on
gross pre-
miums,
other than
California
companies.

622a. Every insurance company other than life, not organized or incorporated under the laws of California, and doing business in this state, and every other insurance company other than life, whose charter may be owned, or a majority of whose stock may be controlled, or whose business may be carried on in the interest, or for the benefit of any insurance company or association not organized or incorporated under the laws of California, shall annually pay to the insurance commissioner, for the state, a tax of two (2) per cent upon the amount of the gross premiums received upon its business done in the state, during the year ending on the preceding thirty-first day of December, less return premiums, re-insurance in companies authorized to do business in this state, and losses actually paid on its business in this state, and every life insurance company not organized or incorporated under the laws of California, which does business or collects premiums or assessments in the state, shall annually pay to the insurance commissioner, for the state, a tax of one per cent upon the amount of the gross premiums received upon its business done in this state during the year ending on the preceding thirty-first day of December. This section shall not be held or construed so as to relieve any company or organization from any tax, fee or other obligation or charge imposed upon it by the provisions of section six hundred and twenty-two of this code, and whenever the

taxes imposed by the application of section six hundred and twenty-two exceed those imposed by the application of this section the provisions of the former section shall prevail.

623. The commissioner must require every company, not incorporated under the laws of this state, now transacting or proposing to transact insurance business by agent or agents 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 bonds 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 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 bonds may be sued on in the same manner and shall be subject to the same rules governing official bonds.

Bond
required.

624. Whenever the same company desires to collect premiums of insurance for more than one company, the commissioner must require a separate bond, as provided in the preceding section, for each company so represented by such company.

Same.

625. The commissioner must, before the commencement of each fiscal year as fixed in the revenue laws, furnish the assessor of the county in which the principal office of any company doing business of insurance is situated, all the data concerning premiums collected by and all other necessary information in relation to the business of such company as will assist the assessor in the performance of his duties.

Commis-
sioner
to furnish
data to
county
assessors.

626. The commissioner must require from every company, before and after engaging in the business of insurance, a full compliance with all the provisions of Title II, Part IV, Division I, of the Civil Code applicable thereto; and every company neglecting to comply with such requirements is subject to the fines and penalties therein prescribed.

Full com-
pliance
of law
required.

627. All statements, estimates, percentages, payments, and calculations, required by this chapter to be made, either by the commissioner or companies, must be made on the basis of gold coin of the United States.

Payments
to be on
gold basis.

628. When the certificate of the insurance commissioner of this state, of the valuation of the policies of a life insurance company, as provided in the next section of this code, issued to any company organized under the laws of this state, shall not be accepted by the insurance authorities of any other state, in lieu of a valuation of the same, by the insurance officer of such other state, then every company organized under the laws of such other state doing business in this state, shall be required to have a separate valuation of its policies made under

Separate
valuation
of policies.

the authority of the insurance commissioner of this state, as provided in the next section.

Life companies must furnish data for valuation of policies.

Basis of valuation.

629. Every life insurance corporation organized under the laws of this state must, on or before the first day of February of each year, furnish the insurance commissioner the necessary data for determining the valuation of all its policies outstanding on the thirty-first day of December then next preceding. And every life insurance company organized under the laws of any other state or country, and doing business in this state, must, upon the written requisition of the commissioner, furnish him, at such time as he may designate, the requisite data for determining the valuation of all its policies then outstanding; such valuations must be based upon the rate of mortality established by the American Experience Life Table, and interest at four and one-half per cent per annum on all outstanding risks written prior to January 1st, 1892, and such valuations must be based upon the rate of mortality established by the Combined Experience or Actuaries' Table of Mortality with interest at the rate of four per cent per annum on all outstanding risks written from and after the thirty-first day of December, A. D., one thousand eight hundred and ninety-one, up to and including the thirty-first day of December, one thousand nine hundred and seven, and such valuations must be based upon the rate of mortality established by the American Experience Table of Mortality with interest at the rate of three and one-half per cent per annum on all outstanding risks written from and after December thirty-first, nineteen hundred and seven. When the laws of any other state or territory require of a life insurance company organized under the laws of this state a valuation of its outstanding policies by any standard of valuation different from that named in this section, the insurance commissioner is hereby authorized to make such valuation for use in such other state or territory, and to issue his certificate in accordance therewith. For the purpose of making the valuations, the insurance commissioner is authorized to employ a competent actuary, whose compensation for such valuations shall be one cent for each thousand dollars of insurance, to be paid by the respective companies whose policies are thus valued.

Fraternal societies exempt.

630. Secret or fraternal societies, lodges, or councils incorporated or organized for the purpose of mutual protection and relief of their members and for the payment of stipulated sums of money to their members or to the beneficiaries of deceased members which conduct their business and secure membership on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges, or councils, and all mutual or benefit associations, organized or formed and composed of members of any such society, lodge or council exclusively, are exempt from the provisions of all the insurance laws of this state.

Right of action against commissioner.

631. If at any time the insurance commissioner revokes the certificate of authority theretofore granted to any insurance company or refuses to grant a certificate of authority to any

insurance company, any interested person or company may commence an action against the insurance commissioner for the purpose of reviewing the facts and the law pertinent to the controversy and for the purpose of obtaining the relief refused or for canceling the action of the commissioner. In any such action the court shall have full power to investigate all of the facts *de novo* without regard to the determinations previously made by the commissioner. In the trial of such actions all of the provisions of the Code of Civil Procedure, not inconsistent herewith, shall be applicable.

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 canceled 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 Sacramento, a notice of such revocation or of such withdrawal. The expense of such publication shall be paid in advance by the insurance company withdrawing or whose certificate shall have been so revoked.

Publication of notice of withdrawal.

632. Whenever the insurance commissioner ascertains that any insurance company, or any of its agents, officers or employes, or any other person has been guilty of violating any of the penal statutes of this state, the commissioner shall certify such facts to the district attorney of the county in which such offense was committed. Such offenses shall be prosecuted and tried in all respects as provided in the Penal Code. For the purpose of evidence the commissioner shall furnish to the district attorney, without cost to the county, certified copies of any papers or records of the office of the commissioner.

District attorney to be notified of penal offense.

633. No person shall in this state act as the agent or solicitor of any insurance company doing business in this state until he has produced to the commissioner, and filed with him, a duplicate power of attorney from the company, or its authorized agent, authorizing him to act as such agent or solicitor. Upon filing such power, the commissioner shall issue a license to him to act as such agent or solicitor for such company, if such company has received a certificate of authority from such commissioner to do business in this state. Such license shall continue in force until July 1st after the date thereof, but must be, and shall be, sooner revoked upon application of the company or its authorized agent. Such license may be renewed from time to time, for an additional period of twelve months, on production by the holder to the commissioner of a certificate from the company that such person's authority as such agent or solicitor continues. The commissioner shall keep an alphabetical list of the names of the persons to whom such licenses shall be issued, with the date of the license and renewal, and the name of the company for whom such person is working.

Agents must file duplicate power of attorney.

Registra-
tion of life
policies.

634. It shall be lawful for any company or corporation transacting the business of life insurance in this state to register with the insurance commissioner such of its policies as may be agreed upon by the company and the insured; such registration to consist in a written or printed list of such policies filed with the commissioner, showing the name and age of the insured, number and date of the policy, and the kind and amount of insurance in each case. Such list must be filed with the commissioner within thirty days after the issuance of the first registered policy; and must contain all such policies issued up to the date of filing. After that date the company must, within three days after the first day of each calendar month, file a statement embracing all its registered policies issued since the filing of its last preceding list. Upon filing such lists of policies, from time to time, the company must deposit with the commissioner, as a special deposit for the benefit of such registered policies, securities of the denominations stated in section four hundred and twenty-one of the Civil Code as permissible for the investment of the capital and accumulations of insurance companies. Such deposit must be in an amount equal to the full net value of all policies registered up to the time of making the deposit, and must at all times be equal to such net value of all registered policies. Upon receipt of such securities, the commissioner must immediately deposit them in the state treasury, in accordance with the provisions of section six hundred and eighteen of the Political Code, where they must remain as a special security for the benefit of such registered policies. Such company may at any time withdraw any excess of securities above the net present value hereinbefore specified, upon satisfying said commissioner by written proof that such excess exists, and shall be allowed to receive the interest on all securities deposited, and to exchange such securities by substituting other securities of the character in which, by the laws of this state, it may invest its funds.

Special
deposits.

Excess of
securities.

Definition
of certain
words.

634a. The word company as used in this title includes every association, corporation, firm, or person transacting or desiring to transact any kind of insurance business under the laws of the State of California; *provided*, that no part of this act shall be held to apply to any company organized under an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, or to any corporation doing or transacting the business of mutual insurance on the assessment plan as defined in section 453*d* of the Civil Code of the State of California. The words "capital stock" as referred to in this title shall be deemed to include the capital of any person, firm or association.

Penalties
payable on
demand.

634b. All fines, taxes, assessments, and penalties provided for in this title shall be due and payable on the demand of the insurance commissioner. If the same are not paid within ten days after such demand is made, then the insurance

commissioner shall institute an action in the name of the people of the State of California for the purpose of recovering such fines, penalties, and taxes, or either, as the case may be. All such actions shall be subject to all the provisions, of the Code of Civil Procedure, which may be applicable thereto.

SEC. 2. All of the provisions of this act shall be so construed as to preserve and keep in full force and effect all causes of action and actions for penalties, assessments and fines which have already accrued against any insurance company under and by virtue of any of the provisions of Article XVI, Chapter III, Part III, Title I, of the Political Code, which is repealed by virtue of the provisions of this act, and all of such actions and causes of action may be prosecuted to final judgment, and all such penalties, assessments and fines may be enforced and collected under the provisions of said article to the same extent and in the same manner as though said Article XVI had not been repealed.

Accrued
actions
preserved.

SEC. 3. This act shall take effect immediately.

CHAPTER 120.

An act providing for an appropriation of six hundred dollars (\$600.00) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of six hundred dollars (\$600.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of putting a new roof and floor to the "Distillery," at Sutter's Fort.

Repairs
Sutter's
Fort,
appropriation.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of Sutter's Fort trustees for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 121.

An act providing for an appropriation of one thousand five hundred dollars (\$1500) for the purpose of improving the grounds of Sutter's Fort.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Improving
grounds
of Sutter's
Fort,
appropria-
tion.

SECTION 1. The sum of one thousand five hundred (\$1500) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of improving the grounds of Sutter's Fort.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of Sutter's Fort trustees for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 122.

An act appropriating money for the purchase of books for the library of the Preston School of Industry.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Books for
Preston
School of
Industry,
appropria-
tion.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five hundred dollars, to be used by the trustees of the Preston School of Industry, for the purchase of books for the library of said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry, for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect July 1st, 1907.

CHAPTER 123.

An act making an appropriation to be used under the provisions 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.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, 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, which said money shall be used under and by virtue of and in accordance with the provision of an act of the legislature of California, 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; *provided, however,* that the revolving fund provided for in said act shall thereupon become and thereafter remain the sum of two hundred thousand dollars.

Jute revolving fund, appropriation to increase.

SEC. 2. This act shall take effect immediately.

CHAPTER 124.

An act appropriating money to pay the claim of M. L. Ward against the State of California.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated to pay the claim of M. L. Ward against the State of California and the state controller is hereby directed to draw his warrant in favor of M. L. Ward for said sum of two thousand five hundred dollars, and the state treasurer is hereby directed to pay the same.

Claim of M. L. Ward, appropriation.

SEC. 2. This act shall take effect immediately.

CHAPTER 125.

An act appropriating money to pay the claim of E. F. Treadwell against the State of California.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Claim of
E. F.
Treadwell,
appropriation.

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated to pay the claim of E. F. Treadwell against the State of California and the state controller is hereby directed to draw his warrant in favor of E. F. Treadwell for said sum of two thousand five hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 126.

An act appropriating money to pay the claim of J. B. Curtin against the State of California.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Claim of
J. B.
Curtin,
appropriation.

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated to pay the claim of J. B. Curtin against the State of California and the state controller is hereby directed to draw his warrant in favor of J. B. Curtin for said sum of two thousand five hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 127.

An act appropriating \$13,500 to complete the buildings, equipment and furnishing of the State Normal School at San Francisco.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of thirteen thousand and five hundred dollars, to be paid on order of the board of trustees of the State Normal School at San Francisco, to complete the buildings, equipment and furnishing of the State Normal School at San Francisco, of which sum not more than five thousand dollars shall be appropriated and paid out for the purchase of equipment and furniture.

Completion of San Francisco State Normal School, appropriation.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant or warrants in favor of the trustees of said State Normal School at San Francisco, upon requisition of said board, and the state treasurer is hereby ordered and directed to pay such warrants.

SEC. 3. This act shall take effect and be in force from and after July 1, 1907.

CHAPTER 128.

An act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars, to be expended by the board of trustees of the State Normal School at San Diego, in making suitable improvements on the campus or grounds surrounding said State Normal School at San Diego and belonging to the State of California. Said improvements shall include all necessary curbing, sidewalks, crosswalks, roadways, piping for water, tree planting, lawns, athletic grounds, and all other necessary improvements.

Improvements, San Diego State Normal School, appropriation.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the board of trustees of said State Normal School, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

Auditing
of bills.

SEC. 3. All bills for material and labor in carrying out the provisions of section one of this act shall be first audited by the board of trustees of said State Normal School and approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect immediately.

CHAPTER 129.

An act appropriating money for the construction and equipment of a cold-storage plant at the Preston School of Industry.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Cold-
storage
plant for
Preston
School of
Industry,
appropriation.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two thousand five hundred dollars, to be used by the trustees of the Preston School of Industry for the construction and equipment of a cold-storage plant at said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect immediately.

CHAPTER 130.

An act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Assembly
hall,
Preston
School of
Industry,
appropriation.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars, to be used by the trustees of the Preston School of Industry for the finishing and furnishing of an assembly hall at said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purpose aforesaid, shall receive a sanction of a majority of the board of trustees of the Preston School of Industry, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this act shall be exempt from the provisions of any other act or acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned, and the directions herein shall be exempt from the provisions of an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 23d, 1876. All bills for improvements, repairs and construction shall first be audited by the board of trustees of the Preston School of Industry and be approved by the state board of examiners before being paid.

Plans to be approved by trustees only.

Exempt from contract law.

SEC. 4. This act shall take effect July 1st, 1907.

CHAPTER 131.

An act appropriating money for advertising the resources and products of California at the state fair in 1907.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand (5,000) dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used by the board of directors of the State Agricultural Society, for the purpose of advertising the resources of California and to obtain exhibits of California's resources and products for the state fair of 1907.

State fair advertising, appropriation.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the board of directors of the State Agricultural Society for said amount, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 132.

An act to provide for laying a cement sidewalk on California street along the property of the Stockton State Hospital in the city of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sidewalk
for
Stockton
State
Hospital,
appropriation.

SECTION 1. The sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of managers of the Stockton State Hospital for the purpose of laying a cement sidewalk on California street and Park street along the property of the Stockton State Hospital in the city of Stockton, and on the grounds of said State Hospital.

SEC. 2. The state board of examiners shall examine, audit and allow all demands arising under this act, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.

SEC. 3. This act shall take effect July 1st, 1907.

CHAPTER 133.

An act to provide for repairing the plumbing, installing new bathtubs and toilets and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Certain
repairs to
Stockton
State
Hospital,
appropriation.

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of managers of the Stockton State Hospital for the purpose of repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital.

SEC. 2. The state board of examiners shall examine, audit and allow all demands arising under this act, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.

SEC. 3. This act shall take effect July 1st, 1907.

CHAPTER 134.

An act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital and to appropriate money therefor.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-five hundred dollars (\$2500) or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid on the order of the board of managers of the State Hospital for the purpose of erecting a dairy barn upon the farm of the Stockton State Hospital.

Dairy barn
for
Stockton
State
Hospital,
appropria-
tion.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect July 1st, 1907.

CHAPTER 135.

An act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of six thousand dollars, or so much thereof as may be necessary, to be paid to the order of the board of managers of the Stockton State Hospital, for installing a heating plant in the Stockton State Hospital.

Heating
plant,
Stockton
State
Hospital,
appropria-
tion.

SEC. 2. The state board of examiners shall examine, audit and allow all demands arising under this act, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.

SEC. 3. This act shall take effect July 1st, 1907.

CHAPTER 136.

An act authorizing the regents of the University of California to hold farmers' institutes, and making appropriations therefor.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Authori-
zation
to hold
farmers'
institutes.

SECTION 1. The board of regents of the University of California is hereby authorized to hold institutes for the instruction of citizens of this state in the various branches of agriculture. Such institutes shall be held at such times and at such places in this state as said board may direct. The said board shall make such rules and regulations as it may deem proper for organizing and conducting such institutes, and may employ an agent or agents to perform such work in connection therewith as they deem best. The course of instruction at such institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical agriculture.

Course of
instruc-
tion

Appropriation.

SEC. 2. The sum of twelve thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the use of the regents of the University of California as herein provided, and for the purposes of this act, during the two fiscal years following the passage of this act. Six thousand dollars shall be paid on the first day of July, nineteen hundred and seven, and six thousand dollars on the first day of July, nineteen hundred and eight.

SEC. 3. The controller shall draw his warrants for said sums in favor of the treasurer of said board of regents, and the state treasurer shall pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER 137.

An act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of eighteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for a library and library furniture for the District Court of Appeal, Second District of California. The state controller is hereby authorized and directed to draw warrants in favor of the judges of said court for the amount above appropriated, and the state treasurer is hereby authorized and directed to pay the same.

Library for
Second
District
Court of
Appeal,
appropriation.

SEC. 2. This act shall take effect immediately.

CHAPTER 138.

An act appropriating money to be used to replace the library of the supreme court destroyed by fire in San Francisco.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any funds available therefor the sum of twenty-five thousand dollars for the purchase of a law library for the use of the supreme court, while sitting in San Francisco, the same to be also for the use of the district court of appeal for the first district, the said money to be expended and paid out under the direction and control of the supreme court.

Law
library for
supreme
court,
appropriation.

SEC. 2. This act shall take effect immediately.

CHAPTER 139.

An act appropriating money for furniture, carpets, fixtures and other accessories necessary for the use of the supreme court.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Furniture
for
supreme
court,
appropriation.

SECTION 1. There is hereby appropriated out of any funds available therefor the sum of fifteen thousand dollars to be used in procuring furniture, carpets, fixtures and other accessories for the use of the supreme court in its rooms in San Francisco, not including the clerk's office, the said money to be expended and paid out under the direction and control of the supreme court.

SEC. 2. This act shall take effect immediately.

CHAPTER 140.

An act appropriating money to pay the increased salaries of justices of the supreme court for the current fiscal year.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Salaries of
justices
of supreme
court,
appropriation.

SECTION 1. The sum of nine thousand one hundred dollars is hereby appropriated, to be paid out of any funds available therefor, for the additional sums allowed for the salaries of the justices of the supreme court during the current fiscal year, by the adoption of the amendment of section 17 of article VI of the constitution on November 6, 1906.

CHAPTER 141.

An act making an appropriation of one thousand dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one thousand dollars (\$1000.00), or so much thereof as may be necessary, is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Fire hose for Whittier State School, appropriation.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 142.

An act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the supreme court under section 47 of the Code of Civil Procedure.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated, payable out of any funds in the treasury available therefor, to pay the expenses of the supreme court under the provisions of section forty-seven of the Code of Civil Procedure for the current fiscal year, the same to be in addition to the appropriation made in the general appropriation act of 1905 and to meet any deficiency that may occur in said former appropriation.

Expenses of supreme court, deficiency appropriation.

CHAPTER 143.

An act making an appropriation of five hundred dollars (\$500.00) for the purpose of repairing and preserving the James Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Marshall monument, appropriation for care of.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five hundred dollars (\$500.00), to be used by the board of Sutter's Fort trustees, for the purpose of repairing, and preserving the James Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of Sutter's Fort trustees for the amount herein made payable, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 144.

An act making an appropriation of two hundred and fifty dollars (\$250.00) for the purchase of a certain spring of water near the Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Purchase of spring near Marshall monument, appropriation.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred and fifty dollars (\$250.00) to be used by the board of Sutter's Fort trustees, in the purchase of a certain spring of water near the Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of Sutter's Fort trustees for the amount herein made payable, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 145.

An act appropriating fifteen hundred dollars for restoring certain records and refitting and refurnishing the office of the clerk of the supreme court in the city of San Francisco.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated for the office of clerk of the supreme court in the city of San Francisco, the sum of fifteen hundred dollars to enable the clerk of the supreme court to restore certain records and to refit and refurnish his office and to purchase necessary blanks and printed books and stationery, and such other items as may be necessary, all being necessary because of the destruction by fire of records and other property.

Restoration of records, clerk of supreme court, appropriation.

SEC. 2. Such restoration of records, refitting and refurnishing shall be made and done under the supervision of the clerk of the supreme court. Bills for the same shall be presented to the state board of examiners, and when allowed by said board, the state controller shall draw his warrants therefor against this appropriation, and the state treasurer shall pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 146.

An act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara county, California, for the fifty-ninth and sixtieth years.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, 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 for the support and maintenance of ex-army nurses and indigent widows, wives and mothers, and dependent daughters and sisters of union veterans, who served honorably in the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara county, California, for the fifty-ninth and sixtieth fiscal years.

Support of Woman's Relief Corps Home, appropriation.

Auditing
of bills.

SEC. 2. All expenditures for such support and maintenance shall be under the supervision of the board of directors of the Woman's Relief Corps Home Association of California, and in accordance with the provisions of "An act to assist the Woman's Relief Corps Home Association to provide for ex-army nurses and the worthy, destitute widows, wives, mothers and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor," approved April 1st, 1897, so far as the same are applicable, and bills therefor when properly approved by the said board, shall be presented to the state board of examiners, and when allowed by the said last named board, the state controller shall draw his warrants therefor against this appropriation, and the state treasurer shall pay the same.

When
available.

SEC. 3. Not more than one half of the amount appropriated under this act, shall be expended during each of the next two fiscal years.

SEC. 4. This act shall take effect from and after its passage.

CHAPTER 147.

An act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital and making an appropriation therefor.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Cottage
for
Mendocino
State
Hospital,
appropriation.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of managers of the Mendocino State Hospital, for the purpose of furnishing and equipping a cottage for female patients upon the premises of the Mendocino State Hospital.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same.

CHAPTER 148.

An act to provide for the completion of a water tower at the Mendocino State Hospital and to make an appropriation therefor.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of managers of the Mendocino State Hospital for the purpose of completing a water tower at the Mendocino State Hospital. Water tower for Mendocino State Hospital, appropriation.

SEC. 2. The controller of the state is hereby directed and authorized to draw his warrants in favor of said board of managers for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

CHAPTER 149.

An act appropriating money for the purchase of books for the library of the Whittier State School.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five hundred dollars, to be used by the trustees of the Whittier State School, for the purchase of books for the library of said school. Books for Whittier State School, appropriation.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Whittier State School, for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect immediately.

CHAPTER 150.

An act to provide for making repairs and for additional equipment at the State Normal School of San Diego, and making an appropriation therefor.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repairs for
San Diego
State
Normal
School,
appropriation.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars, to be expended by the board of trustees of the State Normal School at San Diego, for making necessary repairs to the State Normal School building at San Diego, California, and for additional equipment for the use of said State Normal School.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the board of trustees of said State Normal School, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

Auditing
of bills.

SEC. 3. All bills for material and labor in carrying out the provisions of section one of this act shall be first audited by the board of trustees of said State Normal School and approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect immediately.

CHAPTER 151.

An act authorizing the board of Sutter's Fort trustees to improve a certain street in the city of Sacramento, to wit: Twenty-sixth street from the south line of K street to the north line of L street, and to make an appropriation therefor.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Street
improvement
adjoining
Sutter's
Fort.

SECTION 1. The board of Sutter's Fort trustees are hereby authorized and empowered, in connection with the city of Sacramento, to improve, under the provisions of a general law of this state, entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, and act supplementary thereto and amendatory thereof, and to pay the proportion of the costs thereof chargeable against the state, the following street in the city of Sacramento and bordering on a

portion of the property belonging to the State of California, and known as Sutter's Fort, to wit: Twenty-sixth street from the south line of K street to the north line of L street.

SEC. 2. The sum of twelve hundred dollars (\$1,200.00) is hereby appropriated out of any money in the general fund of the state treasury not otherwise appropriated, for the purpose provided for in section one of this act. Appropriation.

SEC. 3. The state controller is hereby directed to issue a warrant, payable out of the general fund of the state treasury, for said sum of twelve hundred dollars, (\$1,200.00), or so much of said sum as may be necessary, in favor of the board of Sutter's Fort trustees, and the treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER 152.

An act transferring money from the general fund to the adult blind fund to meet a deficiency in said adult blind fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind, in Oakland, and directing the state controller and state treasurer to make such transfer.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of eighteen hundred and ninety-nine and thirty-three one-hundredths dollars (\$1899.33) is hereby transferred from the general fund to the adult blind fund to meet a deficiency in said adult blind fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind, in Oakland, (claims against said adult blind fund aggregating the amount hereby transferred having been audited by the state board of examiners). Repairs to Home for Adult Blind, deficiency appropriation.

SEC. 2. The state controller and state treasurer are hereby directed to make said transfer in conformity with section one of this act.

SEC. 3. This act shall take effect immediately .

CHAPTER 153.

An act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Experi-
mental
work in
tobacco
culture.

SECTION 1. The governor of the State of California is hereby directed, and it is hereby made his duty to cause to be made under the supervision and direction of the director of the agricultural experimental station of the University of California, such investigation and experiments as he may deem best for the purpose of discovering and making known whether or not there are any lands, and if so, what lands or class of lands that may be profitably employed in tobacco culture in the State of California. The said governor shall have the exclusive charge and control of all moneys appropriated hereby, to be used in employing such expert and scientific assistants as he may deem necessary, and for paying the expenses of carrying on the experiments and investigations herein provided for. He shall from time to time publish the results of such experimental and investigational work as may have been done, for general distribution.

Appropriation.

SEC. 2. The sum of one thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the governor to be used for the purposes of this act; and the controller is hereby directed to draw his warrant on the general fund from time to time for such proportion of said sum of one thousand dollars and in favor of such persons as the governor shall direct; and the state treasurer is hereby directed to pay the same.

When available.

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

SEC. 4. This act shall take effect and be in force from and after the date of its passage.

CHAPTER 154.

An act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Alaska-Yukon Pacific exposition to be held in the city of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

[Approved March 8, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The governor of the State of California is hereby appointed a commissioner, to be known as the Alaska-Yukon Pacific Exposition Commissioner, and he shall have exclusive charge and control thereof, with power to appoint all necessary persons for the purpose of carrying out the provisions of this act, and the expenditure of all moneys herein appropriated by the State of California for the construction of buildings and maintaining an exhibit of the products of the State of California at the Alaska-Yukon Pacific exposition to be held in the city of Seattle, State of Washington, in the year 1909.

Alaska-Yukon Pacific exposition commissioner.

SEC. 2. The governor of the State of California 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.

SEC. 3. The sum of one hundred 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 meet the expenses of erecting buildings, and collecting and maintaining an exhibit of the products of the State of California at the Alaska-Yukon Pacific exposition to be held in the city of Seattle, State of Washington, in the year 1909, and the controller is hereby directed to draw his warrant on the general fund from time to time and for such portion of said one hundred thousand dollars, and in favor of such persons, as the governor of the State of California, such commissioner hereinbefore referred to, 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.

Loan of public materials.

SEC. 5. Of the sum hereby appropriated fifty thousand dollars shall be available July 1, 1907, and fifty thousand dollars July 1, 1908.

When funds available.

SEC. 6. This act is exempt from the provisions of section 672 of the Political Code of the State of California.

SEC. 7. This act shall take effect and be in force from and after July 1, 1907.

CHAPTER 155.

An act to provide for the reappropriation of money appropriated by an act entitled "An act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriations for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

[Approved March 9, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sanitary
dairy barn
for
Southern
California
State
Hospital,
appropriation.

SECTION 1. The sum of twelve thousand dollars heretofore appropriated for the building, equipment and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, by the provisions of an act entitled "An act to provide for the building, equipping and furnishing of a central ward building, to be used for patients and office purposes, at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and unexpended, is hereby reappropriated and made payable to the order of the board of managers of the Southern California State Hospital at Patton, and directed to be used for the erection of an aseptic and sanitary dairy barn, and to purchase and install necessary furnishings and machinery therein, on the grounds of the Southern California State Hospital at Patton.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant on the state treasurer in favor of said board of managers for the amount herein made payable, and in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 156.

An act to amend section seventeen hundred and seventy of the Political Code relating to duties of county boards of education.

[Approved March 9, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section seventeen hundred and seventy of the Political Code is hereby amended to read as follows:

1770. (1) Each county board of education shall meet semi-annually at such time as they may determine. Special meetings may be called by the superintendent whenever, in his judgment, the exigencies of the schools may require them to be held. Upon the request of any three members, in writing, the superintendent shall call a special meeting. Notice of all semi-annual meetings shall be given by the secretary at least ten days prior to the time of meeting. No business shall be transacted at a special meeting, except as provided in subdivision two of this section, other than such as may be specified in the call of the secretary.

County
boards of
education.
Meetings.

(2) At the semi-annual meetings only, the board shall examine applicants for certificates to teach in the public schools. All examination papers for teachers' certificates shall be kept on file in the office of the superintendent of schools for at least one year, and shall be open for the inspection of the applicants or their authorized agents. Certificates upon credentials may be granted, and unexpired certificates may be renewed, at any meeting of the board.

Examina-
tion of
applicants
for cer-
tificates.

(3) The board of supervisors shall allow to each member of the county board of education a compensation of five dollars a day for his services, and the same rate of mileage as is allowed to the members of the board of supervisors of the county. The secretary shall be allowed the sum of five dollars per day for the actual time that the board may be in session; said compensation of the members of the board, and of the superintendent, shall be payable out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Compensa-
tion.

(4) All expenses for printing required by the county board of education, and all incidental expenses incurred for stationery or other purposes in the performance of their duties, shall be audited and paid as other claims against the general fund of the county are paid.

Expenses
for
printing.

CHAPTER 157.

An act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employés in the controller's office and the salaries paid to such employés.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 439 of the Political Code is hereby amended to read as follows:

Employés
of
controller **439.** The controller may appoint one deputy controller, one bookkeeper, one expert, five clerks and one stenographer, all of whom shall be civil executive officers.

SEC. 2. Section 440 of the Political Code is hereby amended to read as follows:

Salaries **440.** The annual salary of the deputy controller is twenty-seven hundred dollars; of the bookkeeper, twenty-four hundred dollars; of the expert, two thousand dollars; of each clerk, one thousand six hundred dollars; and of the stenographer, nine hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of other state officers.

SEC. 3. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 10, 1907.]

CHAPTER 158.

An act to amend section one hundred and three of the Code of Civil Procedure relating to justices' courts and justices of the peace.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and three of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Justices'
courts and
justices,
number in
each
township. **103.** There shall be at least one justice's court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the

opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justice's courts may be established in any township, designating the same in such order; and in such case one justice of the peace must be elected in the manner herein provided for each of such courts. In every city or town of the third and the fourth class there must be one justice of the peace, and in every city or town of the first and one-half class there must be four justices of the peace and in every city or town of the second class there must be two justices of the peace, to be elected in like manner by the electors of such cities or towns, respectively; and such justices of the peace of cities or towns, and justices' courts of cities or towns, shall have the same jurisdiction, civil and criminal, as justices of the peace of townships, and township justices' courts. Said justices of the peace of cities, and justices' courts of cities, shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city or town, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of the police court, recorder's court, or mayor's court within such city.

No person is eligible to the office of justice of the peace in any city or town of the first, first and one half, second or third class who has not been admitted to practice law in a court of record; and no justice of the peace is permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in such city, town or county. Every city justice of the peace in any city or town of the fourth class shall receive a salary of fifteen hundred dollars per annum, and every city justice of the peace in any city or town of the third class shall receive a salary of two thousand dollars per annum; and every city justice of the peace in any city or town of the first and one half class and the second class shall receive a salary of twenty-four hundred dollars per annum; and each city justice of the peace shall be provided by the city or town authorities with a suitable office in which to hold his court. Where the compensation of the justice of the peace of any city or town is by salary, it shall be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund, of such city or town; such warrants to be audited and paid as salaries of other city officials. All fees which are chargeable by law for services rendered by such city justices of the peace in the cities or towns aforesaid shall be by them, respectively, collected, and on the first Monday of each month every such city or town justice of the peace shall make a report, under oath, to the city or town treasurer, of the amount of

Jurisdiction

Eligibility.

Salary.

How paid.

Fees.

fees so by him collected, and pay the amount so collected into the city or town treasury, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justices.

SEC. 2. This act shall take effect immediately.

CHAPTER 159.

An act entitled an act to amend section 737 of the Political Code, relating to salaries of superior judges.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 737 of the Political Code is hereby amended to read as follows:

Salaries of
superior
judges.

737. The annual salaries of the judges of the superior courts of the city and county of San Francisco and the county of Los Angeles shall be six thousand dollars, of the counties of Alameda, Contra Costa, Sacramento, Marin and Santa Clara five thousand dollars, of the counties of San Joaquin, Santa Cruz, San Mateo, Yuba, Sutter, Butte, Nevada, Sonoma, Colusa, Monterey, San Luis Obispo, Shasta, Siskiyou, Santa Barbara, San Diego, Mendocino, Tehama, San Bernardino, Kern, Placer, Humboldt, Tulare, Fresno, Solano, Yolo, Mariposa, Ventura, Mono, Kings, Amador, Calaveras, Stanislaus, El Dorado, Merced, Madera, Tuolumne, Orange, Napa, and San Benito, four thousand dollars, and of the county of Alpine two thousand dollars; one half of which shall be paid by the state and the other half thereof by the county of which the judge is elected or appointed.

CHAPTER 160.

An act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa county, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter and to that end to amend section one of an act approved March 20th, nineteen hundred and five, entitled "An act to amend section one of an act entitled 'An act to amend section one of an act approved March twentieth, eighteen hundred and ninety-nine, entitled 'An act to amend an act entitled 'An act to amend an act approved February twenty-eighth, eighteen hundred and eighty-seven, entitled 'An act to amend an act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March seventh, eighteen hundred and eighty-three, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March twenty-third, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March twelfth, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home."

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act approved March 20th, nineteen hundred and five entitled: "An act to amend section one of an act entitled 'An act to amend section one of an act approved March twentieth, eighteen hundred and ninety-nine, entitled 'An act to amend an act entitled 'An act to amend an act approved February twenty-eight, eighteen hundred and eighty-seven, entitled 'An act to amend an act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March seventh, eighteen hundred and eighty-three,' providing for an increase in the annual appropriation thereof and changing the time for the payment thereof,' approved March twenty-third, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita,' approved March twelfth, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United

Amend-
ment to act
for
support of
Veterans'
Home.

States ex-soldier, sailor or marine admitted to or residing at said home," is hereby amended so as to read as follows:

Annual appropriation.

Section 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the support and maintenance of the Veterans' Home of California, located at Yountville, Napa county, State of California, the sum of seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every fiscal year thereafter.

SEC. 2. This act shall take effect on and after its passage.

CHAPTER 161.

An act to provide for the joint investigation with the federal government of the water resources of the state, and to make an appropriation for the expenses of such investigations.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Board of examiners to contract for topographic maps.

SECTION 1. The state board of examiners are hereby empowered to enter into contracts with the director of the United States Geological Survey for the purposes of making topographic maps, to the extent of thirty thousand dollars; also for the purpose of gauging streams, determining underground water supplies, surveying reservoir sites and canal locations, for the conservation and utilization of waters of the state, to the extent of twenty thousand dollars; also for the purpose of investigating the economic quality and purity of the water of the state, to the extent of three thousand dollars, *provided*, no work of the nature heretofore stated shall be done where the same will interfere with the water already appropriated or in reservoirs or now in use for irrigation purposes, or domestic purposes, under the laws of this state; also with the director of the Office of Experiment Stations of the Department of Agriculture for the purpose of ascertaining the best methods of distributing and using the water, to the extent of fifteen thousand dollars; *provided, however*, that these expenditures for such purposes shall not be in excess of the amounts to be expended by the various departments of the federal government in the collaboration with the specific work named above; *and provided further*, that in case any of the departments of the federal government above mentioned do not contribute these funds for said coöperation, that the state board of examiners shall have power to enter into such contracts as may seem best to them with the lawfully authorized representatives of any of the departments of the federal government for the expenditure of said remaining balance;

Ascertaining methods of distributing water.

and provided further, that said last mentioned expenditure for such purpose shall not be in excess of the amount to be expended by that department of the federal government in collaboration with the state.

SEC. 2. In order to carry out the purposes of this act, any person or persons employed hereunder are authorized to enter and cross all lands within this state; provided, in so doing no damage is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to willfully and maliciously remove or destroy any permanent marks or monuments made or erected by any such persons.

Powers of persons employed.

SEC. 3. The sum of sixty-eight thousand dollars is hereby appropriated for the purposes specified in this act, and the controller of state is hereby authorized and directed to draw warrants upon such fund from time to time, upon the requisition of the state board of examiners and the state treasurer is hereby authorized and directed to pay such warrants; provided, one half of the appropriation herein shall be available in the fifty-ninth fiscal year, and the remaining one half of said appropriation shall be available in the sixtieth fiscal year, except that one half the funds for making topographic maps shall be available during the twelve months immediately following the passage of this act, and the remaining one half of this fund shall be available during the second twelve months following the passage of this act.

Appropriation.

When available.

SEC. 4. It is hereby made the duty of the surveyor-general and the engineer of the board of public works to render any assistance desired by the state board of examiners in furtherance of the aims of this act.

Duty of surveyor-general and engineer of public works.

This act shall take effect and be in force on and after the passage of this act.

CHAPTER 162.

An act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of forty-three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital, to be by them expended as follows: For the erection of two receiving cottages, one for males and

Cottages and baths for Southern California State Hospital, appropriation.

one for females, on the lands of the Southern California State Hospital at Patton, and to equip and furnish the same with necessary furniture and fixtures; and to erect between, and in connection with said cottages a hydrotherapeutic building with all necessary equipment and furniture, for baths, massage and other treatment; of which total amount appropriated herein, the sum of eighteen thousand dollars, or so much thereof as may be necessary, and no more, shall be expended in erecting and furnishing each of such cottages, and the sum of seven thousand dollars, or so much thereof as may be necessary, and no more, shall be expended in erecting and equipping and furnishing such hydrotherapeutic building.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times, as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 163.

An act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:.

Purchase
of land,
California
Poly-
technic
School,
appropria-
tion.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of fifteen thousand (\$15,000.00) dollars, to be used in the purchase of thirty acres of land and the acquirement of a water supply at the California Polytechnic School.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of trustees of the California Polytechnic School, upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. The moneys hereby appropriated shall be expended under the direction of the said board of trustees, but all requisitions shall be audited and allowed by the state board of examiners before payment.

SEC. 4. This act shall take effect immediately.

CHAPTER 164.

An act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty-five thousand (\$25,000.00) dollars, to be used in the construction and furnishing of dormitories at the California Polytechnic School.

Dormi-
tories for
California
Poly-
technic
School,
appropri-
ation.

SEC. 2. The controller is hereby authorized to draw warrants from time to time, as the work shall progress, in favor of the board of trustees of said California Polytechnic School, upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. The moneys hereby appropriated shall be expended under the direction of the said board of trustees, but all requisitions shall be audited and allowed by the state board of examiners, before payment.

SEC. 4. This act shall take effect immediately.

CHAPTER 165.

An act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of thirty-nine thousand (\$39,000.00) dollars, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be paid to the order of the board of trustees of the California Polytechnic School, as follows, to wit:

Improve-
ments for
California
Poly-
technic
School,
appropri-
ation.

For the erection of shops and for the furnishing of the same, twenty thousand (\$20,000.00) dollars.

For the construction of two cottages for the use of employees, five thousand (5,000.00) dollars.

For the construction of a creamery building, and the furnishing thereof, twelve thousand (12,000.00) dollars.

For the construction of tool and work house for gardener, and the use of classes in gardening, two thousand (\$2,000.00) dollars.

All bills for materials, machinery, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners, before being paid.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees, upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 166.

An act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Training
school
building
for
San Diego
State
Normal
School,
appropria-
tion.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of forty thousand dollars, to be expended by the board of trustees of the State Normal School at San Diego, for the purpose of erecting an additional building and equipping the same on the grounds belonging to the State of California on which the State Normal School of San Diego is located. Said additional building and equipment when completed shall be used for a training school in connection with the said State Normal School of San Diego.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the board of trustees of said state normal school, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. All bills for material and labor in carrying out the provisions of section one of this act shall be first audited by the board of trustees of said state normal school and approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect immediately.

CHAPTER 167.

An act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the controller and treasurer of state in relation thereto.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one hundred and one thousand, three hundred and fourteen (\$101,314.00) dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to replace and restore income of the University of California lost through disaster and fire,—one-fourth of said sum, viz: twenty-five thousand three hundred and twenty-eight and $\frac{5}{100}$ (\$25,328.50) dollars to be payable immediately upon the passage of this act; one half of said sum, viz: fifty thousand, six hundred and fifty-seven (\$50,657.00) dollars, to be payable on the first day of July, A. D. 1907; and the remaining one-fourth of said sum, viz: twenty-five thousand three hundred and twenty-eight and $\frac{5}{100}$ (\$25,328.50) dollars, to be payable on the first day of July, A. D. 1908.

Restoration of income of University of California, appropriation.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants for the same, payable to the order of the treasurer of the University of California, and the treasurer of state is hereby directed to pay such warrants.

SEC. 3. This act is to take effect and be in force immediately upon its passage.

CHAPTER 168.

An act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of seventy-five thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children, and to be expended for the purposes hereinafter specified.

Buildings for Home for Feeble-Minded Children, appropriation.

For the erection and construction of an addition to the present main buildings of the said home necessary or proper to complete the same according to a plan to be adopted by the said board of managers and approved by the state commission in lunacy.

Exempt
from
contract
law.

SEC. 2. In calling for bids and awarding the contracts under this act, said board of managers may, if, in their judgment, such action would be for the best interests of the state, disregard the provisions of section 3 of an act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 26th, 1876, as amended March 20th, 1905, in so far as the section relates to a call for separate bids and to the award of separate contracts for the furnishing of materials and the performance of work thereunder.

SEC. 3. The state controller is hereby authorized and directed to draw his warrant in favor of said board of managers, for the aggregate here made payable, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect July 1st, 1907.

CHAPTER 169.

An act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Pavilions
for Home
for Feeble-
Minded
Children,
appropriation.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of the moneys of the state treasury, not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children, and to be expended for the purposes hereinafter specified.

For the construction and furnishing of two pavilions for colonizing male and female epileptic patients. Not more than eighty-seven and one half per cent of said appropriation shall be expended for said pavilions, and not more than twelve and one half per cent of the money used for either pavilion shall be devoted to the furnishing thereof.

Exempt
from
contract
law.

SEC. 2. In calling for bids and awarding the contracts under this act, said board of managers may, if, in their judgment, such action would be for the best interest of the state, disregard

the provisions of section 3 of the act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 26th, 1876, as amended March 20th, 1905, in so far as the section relates to a call for separate bids and to the award of separate contracts for the furnishing of materials and the performance of work thereunder.

SEC. 3. The state controller is hereby authorized and directed to draw his warrant in favor of said board of managers, for the aggregate here made payable, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect July 1st, 1907.

CHAPTER 170.

An act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal. and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated out of the moneys of the state treasury, not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children, and to be expended for the purposes hereinafter specified.

Dairy buildings for Home for Feeble-Minded Children, appropriation.

For the erection at the grounds of the said home at a point to be selected by said board of managers of suitable dairy buildings and the purchase and installation of approved dairy apparatus. Not more than seven and one half per cent of the moneys hereinafter appropriated shall be devoted to the purchase and installation of dairy apparatus.

SEC. 2. In calling for bids and awarding the contracts under this act, said board of managers may, if, in their judgment, such a action would be for the best interests of the state, disregard the provisions of section 3 of an act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 26th, 1876, as amended March 20th, 1905, in so far as the section relates to a call for separate bids and to the award of separate contracts for the furnishing of materials and the performance of work thereunder.

Exempt from contract law.

SEC. 3. The state controller is hereby authorized and directed to draw his warrant in favor of said board of managers, for the aggregate here made payable, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect July 1st, 1907.

CHAPTER 171.

An act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital and laying a pipe line from said reservoir, and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Reservoir
for Napa
State
Hospital,
appropriation.

SECTION 1. The sum of fifty-one thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of managers of the Napa State Hospital, and to be expended for the purpose hereinafter specified.

For the completion of the dam and storage reservoir now partly completed at the Napa State Hospital between said reservoir and the place where the waters therefrom are to be used.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of managers, for the aggregate herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect July first, 1907.

CHAPTER 172.

An act to provide for the erection and equipment on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity, and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Receiving
ward for
Stockton
State
Hospital,
appropriation.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of \$55,000.00 to be paid to the order of the board of managers of the Stockton State Hospital for the erection and equipment of a building on the grounds of the Stockton State Hospital, to be used as a receiving ward for male and female patients and the treatment of acute cases by hydrotherapy, electricity and all other modern methods. Said equipment includes an operating room, steam and electric light baths, and appliances for use of hydrotherapy and electricity. This building to

accommodate between one hundred and fifty to two hundred patients.

SEC. 2. In calling for bids and awarding contracts under this act, said board of managers may, if in their judgment think that such action would be for the best interests of the state, disregard the provisions of section 3 of the act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings approved March 26, 1876," and amended March 20, 1905, in so far as the section relates to a call for separate bids and to award of separate contracts for the furnishing of materials and performance of work thereunder.

Exempt
from
contract
law.

SEC. 3. The controller of state is hereby authorized and directed to draw his warrant in favor of said board of managers for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect July 1, 1907.

CHAPTER 173.

An act making an appropriation to pay the claim of Victor Heck against the State of California.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Victor Heck against the State of California.

Claim
of Victor
Heck,
appropriation.

SEC. 2. The controller is hereby directed to draw his warrant in favor of Victor Heck for the sum of five thousand dollars, and the treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3: This act shall take effect immediately.

CHAPTER 174.

An act appropriating four thousand five hundred dollars to pay the claim of J. B. Lauck.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Claim of
J. B. Lauck,
appropriation.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of four thousand five hundred dollars to pay the claim of J. B. Lauck.

SEC. 2. The controller is hereby directed to draw his warrant in payment of said claim, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 175.

An act to provide for the improvement of the cereal crops of California and appropriate money therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Experiments for
improving
cereal
culture.

SECTION 1. The governor of the State of California is hereby directed, and it is hereby made his duty to cause to be made under the supervision and direction of the director of the agricultural experiment station of the University of California, such investigations and experiments as he may deem best for the purpose of discovering and making known such improved methods of cereal culture in the State of California as will increase the yield of cereals in said state, and increase the percentage of gluten in said cereals, or otherwise improve the quality thereof. The said governor shall have the exclusive charge and control of all moneys appropriated hereby, to be used in employing such expert and scientific assistants as he may deem necessary, and for the paying of the expenses of carrying on the experiments herein provided for. He shall from time to time publish the results of such experimental and investigational work as may have been done, for general distribution.

Appropriation.

SEC. 2. 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 paid to the governor to be used for the purpose of this act, one-half thereof to be expended during the fifty-ninth fiscal year, and

one-half thereof to be expended during the sixtieth fiscal year, and the controller is hereby directed to draw his warrant on the general fund from time to time for such proportion of said sum of ten thousand dollars, and in favor of such persons as the governor shall direct; and the state treasurer is hereby empowered and directed to pay the same.

SEC. 3. This act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 4. This act shall take effect and be in force from and after the date of its passage.

CHAPTER 176.

An act making an appropriation of twenty thousand dollars, (\$20,000.00), to be expended by the board of capitol commissioners for making alteration, repairs, improvements, and for otherwise completing and embellishing the state capitol, being an additional appropriation for the purpose of carrying out the provisions of an act entitled, "An act authorizing and directing the board of capitol commissioners to remodel and repair the state capitol building, making the same fire proof, rendering all space therein available and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23, 1876, and all acts amendatory thereof.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty thousand dollars (\$20,000.00), to be expended by the board of capitol commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the state capitol, being an additional appropriation for the purpose of carrying out the provisions of an act entitled "An act authorizing and directing the board of capitol commissioners to remodel and repair the state capitol building, making the same fire proof, rendering all space available and making an appropriation therefor," approved March 18, 1905.

Repairs to
state
capitol,
appropriation.

SEC. 2. The appropriation herein provided for shall be exempt from the provisions of an act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23, 1876, and all acts amendatory thereof.

Exempt
from
contract
law.

SEC. 3. This act shall take effect immediately.

CHAPTER 177.

An act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino forest reserve, and to make an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Protection
of timber,
San Ber-
nardino
forest
reserve,
appropria-
tion.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, which money shall be used and expended for the purpose of cutting fire lanes and fire trails to protect the timber now standing, or that may be planted upon the south slope of the San Bernardino mountains, in the State of California.

Board of
examiners
to contract
with U. S.
govern-
ment.

SEC. 2. The state board of examiners are hereby empowered to enter into a contract or contracts with the forest service of the United States government for the purpose of cutting fire lanes and fire trails for the protection of the forest and brush specified in section 1 of this act; *provided however*, that these expenditures for such purpose shall not be in excess of the amount or amounts to be expended by the forestry department of the federal government in collaboration with the specific work named above; *and provided further*, that in case that the forestry department of the federal government above mentioned does not contribute the fund for said coöperation, that the state board of examiners shall not have power to enter into such contract or contracts with the said department for the expenditure of the said money.

SEC. 3. This act shall take effect and be in force on and after the first day of July, 1907.

CHAPTER 178.

An act to amend section one thousand nine hundred and fifteen of the Code of Civil Procedure referring to the effect of a foreign judgment.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1915. A final judgment of any other tribunal of a foreign country having jurisdiction, according to the laws of such country, to pronounce the judgment, shall have the same effect as in the country where rendered, and also the same effect as final judgments rendered in this state. Effect of a foreign judgment.

SEC. 2. This act shall take effect immediately.

CHAPTER 179.

An act to provide for permanently draining Lake Earl in Del Norte county, and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the commissioner of public works, without unnecessary delay, to proceed to prepare plans and specifications and estimates of cost for the construction of a canal for the purpose of draining Lake Earl, Del Norte county, into the Pacific ocean. Plans for draining Lake Earl.

SEC. 2. Whenever the governor of the State of California is informed by the auditor of Del Norte county that there has been paid into the treasury of Del Norte county the full sum of fifteen thousand dollars (\$15,000.00) for the purpose mentioned in this act, then the governor shall direct the commissioner of public works to proceed with the construction and completion of said canal. County auditor to notify governor.

SEC. 3. It shall be the duty of the commissioner of public works to approve all claims for labor done on, and for all material furnished for, the construction of said canal, and certify the same to the proper public officer. All claims against the funds in the treasury of Del Norte county shall be examined, audited, allowed and paid by the same officers and in the same manner as county charges are examined, audited, allowed, and paid. All claims against the funds hereinafter appropriated by this act shall be examined, audited, allowed, and paid by the same officers and in the same manner as charges against the state for similar claims, are examined, audited, allowed, and paid. All public officials herein mentioned are hereby required to receive and disburse the moneys herein mentioned and to perform the duties herein imposed without any fee, perquisite, extra salary or compensation or any charge except the fees and salary now allowed such officers and all of such duties shall be deemed and considered as a part of the official duties of such officers and, for the faithful performance of such duties, each of said officers shall be liable on his official bond. Duty of commissioner of public works. Claims, how paid.

How
moneys
may
be used.

SEC. 4. None of the moneys herein mentioned shall be used for the payment of any officer, or employé except for materials and appliances furnished and for manual labor and no clerk, superintendent, overseer, boss, or secretary may be appointed or employed or paid out of any such moneys.

Appropriation.

SEC. 5. For the purpose of carrying out the provisions of this act there is hereby appropriated the sum of fifteen thousand dollars (\$15,000.00).

CHAPTER 180.

An act to amend section 386 of the Political Code, relating to salary of executive secretary of the governor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred and eighty-six of the Political Code is hereby amended to read as follows:

Salary of
executive
secretary
of
governor.

386. The executive secretary of the governor is ex-officio secretary of the board of state capitol commissioners. His annual salary as executive secretary of the governor is two thousand six hundred dollars, and his annual salary as secretary of the board of state capitol commissioners is six hundred dollars.

SEC. 2. This act shall take effect immediately.

CHAPTER 181.

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.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Manufacture and sale of adulterated food prohibited.

SECTION 1. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale within the State of California, or the introduction into this state from any other state, territory, or the District of Columbia, or from any foreign country, of any article of food or liquor which is adulterated, mislabeled or misbranded within the meaning of this act is hereby prohibited. Any person, firm,

company, or corporation who shall import or receive from any other state or territory or the District of Columbia or from any foreign country, or who having so received shall deliver for pay or otherwise, or offer to deliver to any other person, any article of food or liquor adulterated, mislabeled or misbranded within the meaning of this act, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, in the State of California any such adulterated, mislabeled or misbranded food, or liquor shall be guilty of a misdemeanor; *provided* that no article of food shall be deemed adulterated, mislabeled or misbranded within the provisions of this act, when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if such foods shall be in fact sold, or kept or offered for sale for domestic uses and consumption, then this proviso shall not exempt said article from the operation of any provisions of this act.

Articles
for export.

SEC. 2. The term "food" as used in this act shall include all articles used for food, drink, liquor, confectionery or condiment by man or other animals, whether simple, mixed, or compound.

Definition
of term
"food."

SEC. 3. The standard of purity of food and liquor shall be that proclaimed by the Secretary of the United States Department of Agriculture.

Standard
of purity.

SEC. 4. Food shall be deemed adulterated within the meaning of this act, in any of the following cases:

What con-
stitutes
adultera-
tion of
food.

First. If any substance has been mixed or packed, or mixed and packed with the food so as to reduce or lower or injuriously affect its quality, purity, strength, or food value.

Second. If any substance has been substituted wholly or in part for the article of food.

Third. If any essential or any valuable constituent or ingredient of the article of food has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in any manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter; *provided* that an article of liquor shall not be deemed adulterated, mislabeled or misbranded if it be blended or mixed with like substances so as not to injuriously reduce or injuriously lower or injuriously affect its quality, purity or strength.

Seventh. In the case of confectionery: If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance

or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

To what
the term
"mis-
branded"
applies.

SEC. 5. That the term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the county, city and county, city, town, state, territory, District of Columbia or foreign country in which it is manufactured, or produced.

What
constitutes
misbranded
and mis-
branded
food.

SEC. 6. Food and liquor shall be deemed mislabeled or misbranded within the meaning of this act in any of the following cases:

First. If it be an imitation of or offered for sale under the distinctive name of another article of food.

Second. If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser, or if it be falsely labeled in any respect, or if it purport to be a foreign product tend to mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design, or device shall be false or misleading in any particular.

Fifth. When any package bears the name of the manufacturers, jobbers or sellers, or the grade or class of the product, it must bear the name of the real manufacturers, jobbers or sellers and the true grade or class of the product, the same to be expressed in clear and distinct English words in legible type, *provided*, that an article of food shall not be deemed misbranded, if it be a well-known food product of a nature, quality and appearance, and so exposed to public inspection as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the definitions 1 to 4 of this section.

Definition
of the term
"package."

SEC. 7. The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing any article of food.

Possession
of adulter-
ated food.

SEC. 8. The possession of any adulterated, mislabeled or misbranded article of food or liquor by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, agent, employé or servant of any such manufacturer,

producer, jobber, packer, or dealer, shall be prima facie evidence of the violation of this act.

SEC. 9. For the purposes of this act there is hereby established a state laboratory for the analysis and examination of food and drugs, which shall be under the supervision of the state board of health, which laboratory shall be located at such place as the state board of health may select.

State
laboratory
estab-
lished.

The state board of health shall appoint a director of said laboratory, and an assistant to such director, both of whom shall be skilled pharmaceutical chemists and analysts of foods and drugs. Said director shall perform all duties required by this act and which shall be required by the state board of health. The assistant shall be under the supervision of the director, and shall perform all duties required of him by the director and by the state board of health.

Director
of
laboratory.

The director shall receive an annual salary of three thousand dollars, and the assistant shall receive an annual salary of fifteen hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of state officers.

Salary.

The state board of health, out of the appropriation herein-after provided, and out of the funds derived from the operation of this act, may employ and fix the compensation of other and additional clerical and professional assistants.

Clerical
assistants.

SEC. 10. The state board of health or its secretary, shall cause to be made by the said director of the state laboratory, examinations and analyses of food and liquor on sale in California, suspected of being adulterated, mislabeled or misbranded at such times and places and to such extent as said board or its secretary may determine, and may appoint such agent or agents, as it may deem necessary, and the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this act and any agent or sheriff shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled or misbranded foods exist, and such agent or sheriff upon tendering the market price of said articles, if a sale be refused, may take, from any person, firm or corporation samples of any articles suspected of being adulterated, mislabeled or misbranded, and shall deliver or forward such samples to the said director of the state laboratory for examination and analysis.

Suspected
food to be
analyzed
by state
board
of health.

Duty of
sheriffs.

SEC. 11. It shall be the duty of the state board of health whenever it has satisfactory evidence of the violation of any of the provisions of this act respecting the adulteration or misbranding of foods to report such facts to the district attorney of the county where the law is violated, after the hearing provided in section sixteen of this act.

Evidence
to be
reported to
district
attorney.

SEC. 12. It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the state board of health, any sample of food or liquor upon tender of the market price therefor, or to conceal any such food from such officer, or to withhold from him information where such food is kept

Unlawful
to conceal
food.

or stored. Any such person so refusing to sell, or concealing such food, or withholding such information from said officer shall, upon conviction, be punished as provided in section nineteen of the Penal Code of the State of California.

Report to
state board
of health.

SEC. 13. Whenever said director shall find from his examination and analysis that adulterated, mislabeled or misbranded food has been on sale in this state, he shall forthwith report to the secretary of the state board of health.

Certificate
of director.

SEC. 14. Every certificate signed by the said director of the state laboratory shall be prima facie evidence of the facts therein stated.

Annual
report of
director
of state
laboratory.

SEC. 15. The said director of the state laboratory shall make an annual report to the state board of health, on or before August first of each year, upon adulterated or misbranded foods and liquors, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. Said report, or any part thereof, may, in the discretion of the state board of health, be included in the report which the state board of health is already authorized by law to make to the governor. The state board of health may, in its discretion publish any part of said report in any issue of its monthly bulletin.

Hearings
for
violations
of act.

SEC. 16. When an examination or analysis of the director of the state laboratory shows that any of the provisions of this act have been violated, notice of that fact together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the state board of health at which said party or parties may be heard before the state board of health or before any two members thereof and the secretary. The hearing shall be held in the city of Sacramento, and at least fifteen days' notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the state laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing after notice duly served as provided herein, the secretary of the state board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded food was found. No publication as in this act provided shall be made until after said hearing is concluded.

Sheriff to
purchase
samples of
alleged
adulter-
ated food.

SEC. 17. It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to obtain by purchase a sample of the adulterated, mislabeled or misbranded food complained of, and divide said article into

three parts, and each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing such merchandise, one sample shall be sent to the director of the state laboratory and the third sample shall be sent to and held under seal by the state board of health.

SEC. 18. For his services hereunder the said sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as by the board of supervisors of his county may be deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said supervisors and paid by his said county as other bills of said sheriff.

Fees
of sheriff.

SEC. 19. It shall be the duty of the district attorney of each county to prosecute all violations of the provisions of this act occurring within his county.

Duty of
district
attorney.

SEC. 20. Any person, firm, company or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Food found to be adulterated, mislabeled or misbranded within the meaning of this act may, by order of any court or judge, be seized and destroyed.

Penalty for
violation
of act.

SEC. 21. One-half of all fines collected by any court or judge, for the violations of the provisions of this act shall be paid to the state treasurer and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of health and by the state board of examiners.

Disposi-
tion of
fines.

SEC. 22. No dealer shall be prosecuted under the provisions of this act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect, that the same is not adulterated, mislabeled or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed under the food and drugs act June 30, 1906." In case the wholesaler, jobber, manufacturer or other party

Guaranty
of jobber
protects
dealer.

making such guaranty to said dealer resides without this state, and it appears from the certificate of the director of the state laboratory that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this act, or the national pure food act, approved June 30th, 1906, the district attorney must forthwith notify the attorney-general of the United States of such violation.

Appropriation.

SEC. 23. The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase of equipment, apparatus, chemicals and supplies of said laboratory and of the office expenses, in connection with the same and for the compensation of additional assistants and other necessary help. The state controller is hereby authorized to draw his warrants for the sums herein appropriated in favor of the secretary of the state board of health and the state treasurer is hereby directed to pay the same.

When act takes effect.

SEC. 24. No article of food as herein defined shall be manufactured or produced in violation of this act from and after the first day of July, nineteen hundred and seven.

SEC. 25. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

SEC. 26. This act shall be in force and effect from and after the first day of January, nineteen hundred and eight.

CHAPTER 182.

An act providing for the maintenance of a residence for the governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the governor therein, and for the appropriation of necessary moneys for such purpose, and directing the state controller to issue warrants upon the general fund, and directing the state treasurer to pay said warrants.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Governor's residence fund.

SECTION 1. A fund is hereby created which shall hereafter be known and designated as the "Governor's Residence Fund," which fund shall be drawn upon by the governor of the State of California for maintenance and salaries of necessary employés and servants, to be selected and employed by the governor to properly maintain and conduct said governor's residence; *provided* that the aggregate amount of the salaries of said employés, servants and maintenance shall not exceed the sum of three thousand three hundred and fifty dollars

per year, and the said items of appropriation necessary therefor shall thereafter be carried in the general appropriation bill as are the items of appropriation for the maintenance of other state property.

SEC. 2. This act shall take effect immediately.

CHAPTER 183.

An act to create for the State of California a department of engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an act entitled "An act creating a commissioner of public works, defining his duties and powers and fixing his compensation," approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof; also repealing an act entitled "An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven; also repealing an act entitled "An act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act," approved March seventeenth, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof; also repealing an act entitled "An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof; also repealing an act entitled "An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for

and authorized by this act," approved April first, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Department of engineering created.

SECTION 1. A department of and for the State of California to be known as the department of engineering is hereby created to consist of an advisory board composed of the governor as ex officio member and chairman of said board, and a state engineer who shall be the chief executive officer of the department, the general superintendent of state hospitals and the chairman of the state board of harbor commissioners of San Francisco. The said department, its officers and employes shall have and exercise the powers and duties hereinafter set forth and specified, and such as are or may be hereafter provided by law.

Consulting board on irrigation, drainage, etc

SEC. 1½. Upon this act becoming effective the governor by and with the advice and consent of the senate shall appoint five persons who shall be known as a consulting board to the department of state engineering upon all matters that affect irrigation, drainage and river improvement.

Such board shall be appointed from citizens of either the Sacramento or San Joaquin valleys. Such board shall meet at such times as the work requires and shall meet at least once in two months. They may report to the advisory board upon all matters relating to irrigation, drainage and river improvement together with their conclusions thereon, and may render a report to the advisory board upon all plans for river improvements.

State engineer.

SEC. 2. Upon this act becoming effective the governor, by and with the advice and consent of the senate shall appoint a competent civil engineer as the head of the department of engineering, and such person shall be known as the state engineer. The state engineer shall devote his entire time to the services of the state and shall not actively engage in any other pursuit while serving as such state official. He shall have charge of all the engineering and structural work of the department and may receive by and through the approval of the advisory board such special assistance of a technical character beyond the employes hereinafter specified as they shall allow for the proper conduct of the business of the department.

Duties.

Term of office.

SEC. 3. The state engineer shall hold office for the term of four years from and after the date of qualification, *provided however*, when a vacancy occurs in the office of state engineer from whatever cause, the governor shall fill, by appointment, said term for the unexpired part thereof only. Immediately after qualifying, the advisory board shall meet and organize and shall adopt a seal for the authentication of its acts and records.

SEC. 4. Within twenty days after receiving notice of appointment the person appointed as state engineer shall file a bond in the sum of twenty thousand dollars (\$20,000) with at least two sufficient sureties thereon or with a surety company of recognized standing for the faithful performance of his duties which bond must be approved by the governor and filed with the secretary of state and he shall qualify by taking the oath of office as prescribed for other state officers.

Bond of engineer.

SEC. 5. The office of the department of engineering shall be in the state capitol; and the secretary of state shall assign to the department, for its use, such rooms as may be necessary for its accommodation. All of the regular meetings of the advisory board shall be held at such office. The said board may, however, hold such special meetings at such places as the duties of the department, or the best interests of the state may require. The state board of harbor commissioners for the port of San Francisco shall assign proper rooms in the Ferry Building at San Francisco for the use of one assistant state engineer and his necessary office help.

Office of department.

SEC. 6. The department of engineering through and by the state engineer shall have the power to appoint two assistant engineers, one state architect, one architectural draughtsman, two engineer's draughtsmen, one person to be secretary and stenographer, and one porter, and such additional engineers, architects or draughtsmen as the advisory board may, in their judgment deem necessary, and to fix their salaries and compensation, who shall hold office at the pleasure of the appointive power, and who must be confirmed by the advisory board before proceeding with their duties. Such officers and employes shall not be eligible for appointment unless they possess special qualifications for and are competent to perform the duties devolving upon them, and they shall devote their entire time to the service of the department; *provided however*, that the state architect shall perform the duties only as required of him.

Assistants.

Salaries.

Eligibility.

SEC. 7. The advisory board shall meet at such times as the work of the department may require and shall meet at least once in two months. Such board shall advise with the state engineer and state architect as necessity requires and may advise with the boards of managers or trustees of the various state institutions requiring engineering or structural work and with any state commission regarding all works wherein such commission may be interested. The advisory board shall approve all plans and specifications for all public work and shall determine the kind, quality and extent of all public work of the state. All boards of managers, trustees and state commissions of state institutions shall apply to the department of engineering for plans and specifications for all public works coming under their charge and before accepting any work done under contract shall have a certificate from the state engineer who shall examine and certify to its completion. All public work coming under the full control of the department

Meetings of advisory board.

Plans for public work.

of engineering may upon the discretion of the advisory board be either contracted for or done by days labor. The advisory board shall have the power on the approval of plans and specifications by the state engineer, to direct whether any building or structure at any state institution shall be let by contract in part or in whole, or whether said building or structure shall be built by days labor in part or in whole.

Supersede-
board
of public
works.

SEC. 8. The full control of all public work being done or now completed by the board of public works shall be assumed by the department of engineering and all public work done by the state, except as otherwise provided for by law, shall be under the full control of the said department. It shall be the duty of the department of engineering whenever required by the advisory board to make examinations of lands subject to inundation and overflow by flood waters and of the waters causing such inundation or overflow and plans and estimates of the cost for works to regulate and control such flood waters. All matters of drainage, and improving and rectifying river channels and other work on any river or slough flowing into San Francisco bay, San Pablo bay and Suisun bay, and also the tide waters flowing into said bays, shall be placed under the management and control of the department of engineering whenever the law provides therefor. The department of engineering shall have charge of all expenditures unless otherwise provided by law for all public works relating to general river and harbor improvements, including reclamation and drainage of lands. It may purchase, construct and operate one or more dredges or any other needed appliances to promote or properly carry out the work of the department. The state engineer in the name of the State of California, may obtain or condemn any right of way necessary for any construction herein named and shall proceed if necessary, to condemn under the terms of the Code of Civil Procedure relating to such proceedings. The department shall have the power to employ such additional help for the performance of the work of this section as the advisory board shall order and all money now appropriated to the board of public works and remaining unexpended shall be used for the purposes intended by the law, by the department of engineering, and the state controller shall transfer said funds to the credit of the department of engineering. Wherever under any statutes of this state any duty or obligation the performance of which is imposed upon the commissioner of public works or the auditing board to the commissioner of public works, the same shall be assumed and the performance of the same shall devolve upon the department of engineering.

River and
harbor
improvements.

Control of
state
highways.

SEC. 9. The department of engineering shall take full possession and control of all roads which have been declared state highways enumerated as follows: The Lake Tahoe wagon road, the Sonora and Mono road, the Mono Lake Basin road and all other state highways which may hereafter be constructed and all public work being done or now completed by the department of highways. All expenditures by the state

for highway purposes except as otherwise hereafter provided by law shall be under the full charge of the department of engineering, and all moneys appropriated for such purpose shall be made payable upon the proper order of said department and shall be audited by the state board of examiners. The department of engineering, through its state engineer, shall have the power to obtain or condemn necessary rights of way for the change of any existing state highway or for any road placed under the department's charge by law unless otherwise provided. It shall have power to alter or change the route of a road and shall do all things necessary, and obtain all tools and implements required to properly care for and manage the roads under the charge of the department. The department may, in its discretion, appoint superintendents of the state highways who shall hold office at the pleasure of the appointive power. They shall, however, be confirmed by the advisory board and shall be specially qualified in road work. All unexpended balances of money now existing by law for improvements or maintenance of whatever kind under the department of highways, and the Lake Tahoe wagon road commissioner shall be placed under the control of the department of engineering, and the state controller shall transfer said funds to the credit of the department of engineering. Wherever under any statutes of this state any duty or obligation the performance of which is imposed upon the department of highways, the same shall be assumed and the performance of the same shall devolve upon the department of engineering.

SEC. 10. The department of engineering shall make examination into existing highway conditions in the State of California, and shall, furthermore, make such investigations within the state as will put at the service of the state the most approved methods of highway improvement. It shall supply, on request, without charge, any information relative to highways required by any county or district official having care of and authority over highways within this state. It shall collect and collate data relating to the geological formation of the state in so far as it relates to material suitable for highway construction, and make analyses and tests of such material as it may deem suitable for highway uses, with the view of determining the value of the same for such purposes. All data so collected, together with such other matters of value or interest to the people of the state, shall be published in bulletins, or upon maps or diagrams, or in other proper form, or in the biennial report of the department, as it, in its discretion, shall determine. The department shall prepare and adopt styles and forms of books for use by officials, in which to keep account of the expenditure of highway money and all other records or proceedings relating to highways. It shall prepare such forms as may be necessary for use in connection with opening, abandoning, altering, locating, constructing, maintaining, obtaining title to, or otherwise relating to proposed state highways; and such books and forms, when so adopted,

Examine
highway
con-
ditions.

Analyze
road
materials.

Forms of
books.

shall be the standard for use in the state. Copies of them shall be forwarded to the various officials who are charged with keeping or using the same, and such officials shall immediately prepare books and forms after the style shown by such standard, and shall thereafter use them exclusively for the purposes for which they are intended. It shall be the duty of the department to adopt such general forms for the surveying of state highways, mapping, and keeping of the notes thereof, and the permanent marking of the same on the ground, as it shall deem necessary, and shall issue instructions defining such general forms and markings to the person having charge of the making of such surveys; and it shall thereafter be the duty of such persons to follow the methods prescribed in such instructions. The department of engineering, in performance of its duties, shall have the power to call upon any state, county, or district official to furnish it 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 department; and it is hereby made the duty of such officials to furnish such information without cost.

Forms for
surveying
state
highways.

Architect-
tural work
of state

SEC. 11. All architectural work of the department shall be under the charge of the state architect, and it shall be the duty of said architect to make plans and specifications and estimates for all state building work. He shall, in company with the state engineer, visit and inspect all completed work and shall certify to the state engineer its proper or improper completion. The state architect shall have general charge under the state engineer, of the erection of all buildings and must have an inspector at each building during the whole time of its construction.

One
assistant
engineer to
be assigned
to San
Francisco
harbor.

SEC. 12. One assistant state engineer shall be assigned to the state board of harbor commissioners at San Francisco, where he shall have an office. He shall prepare such plans and specifications as the board may direct and if adopted and the work ordered by the board to be done, must superintend its construction. He must give constant attention to the condition of the sea wall and thoroughfare, of the sheds, wharves, piers and landings, of the streets or parts thereof under the jurisdiction of the board and when repairs are needed, must forthwith report to the board in writing their nature and extent, and if ordered by the board, must have the same done at once. He must keep himself informed as to the depth of water in the various docks and slips and report to the board from time to time what dredging is required. He must keep a register properly indexed, showing the date, place and character of every piece of work done and dock dredged, when begun and finished, with proper descriptions and drawings. He shall do all engineering work required by the said board of harbor commissioners. Said assistant engineer shall be subject to the control, at all times, of the state engineer, and a copy of all work under his charge as assistant engineer shall be filed in the office of the department of engineering. A complete record of cost in detail, of all work done under the

Register of
work.

supervision of this assistant engineer shall be filed with the department of engineering upon the completion thereof. One engineer's draughtsman shall be assigned to the said harbor board by the state engineer, and the advisory board of the department of engineering shall employ such field and other assistants to the foregoing assistant state engineer as may be necessary and such field and other assistants shall be paid from the San Francisco harbor improvement fund.

Draughtsman to harbor board.

Sec. 13. All cooperative engineering work now existing or to be engaged in by the state with the United States government shall be placed under the department of engineering. All plans, estimates and specifications shall be approved by the state engineer and the advisory board shall have full power to determine the kind, quality and extent of such work under cooperation with said government before entering into agreement with said government for such work. All unexpended moneys provided for by law on the aforesaid cooperative basis shall be expressly placed under the full control of the department of engineering, and the state controller shall transfer such funds to the credit of the said department. Hereafter plans, estimates and specifications for such work shall be filed in the office of the said department.

Coöperative work with U. S. government.

Transfer of funds.

Sec. 14. It shall be the duty of the state engineer to consult and advise with the members of the corps of engineers of the United States army comprising the California debris commission (created by act of congress approved March first, eighteen hundred and ninety-three), in relation to the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosion, or other causes; and it shall be his duty to examine such works and to report the result of such examination to the advisory board. Said state engineer is further authorized and directed to consult and advise with said "California Debris Commission" in relation to any and all plans and specifications that may have been or may hereafter be prepared or adopted by said "California Debris Commission," for the construction of such restraining or impounding works, and said state engineer shall file a copy of all such plans and specifications in the office of the department. Whenever the advisory board approves said plans and specifications the state engineer shall notify the "California Debris Commission." Whenever said "California Debris Commission" or the government of the United States shall have entered into any contract for the construction of works for the purposes described in this act, in pursuance of plans and specifications that have been theretofore approved by the advisory board as in this act provided, it shall then be the duty of the state engineer to cause such work to be carefully inspected during the progress of their construction and to keep a record of the result of such inspection. Said state engineer shall also from time to time, during the progress of the construction of such works, when requested so to do by the said "California Debris Commission," present his claims to the state board of examiners in favor of such

Impounding of debris from mines.

State engineer to advise with debris commission.

Inspection of work.

Payment of claims for construction work.

person or persons as may be designated by said "California Debris Commission" for such amounts as shall equal one-half of the cost of the construction of said works; and said state engineer shall in like manner, and when requested so to do by said "California Debris Commission," present his claims to the state board of examiners for an amount equal one-half the purchase price of any site or sites necessary for the construction of said works; *provided*, that the purchase of said site or sites shall have been first approved by the advisory board. All unexpended balances of money provided by law for the work under the debris commissioner shall be placed to the credit of the department of engineering by the state controller. Whenever under any statutes of the state any duty or obligation the performance of which is imposed upon the debris commissioner, the same shall be assumed and the performance of the same shall devolve upon the department of engineering.

Employment of assistants.

SEC. 15. When in his judgment it is deemed necessary, the state engineer, subject to the approval of the advisory board, shall employ such assistance on the public work of the state or on public work at any state institution as may be necessary for the proper discharge of his duties, and shall under like restrictions, have the authority to purchase such supplies, instruments, tools and conveniences as may be necessary for the proper discharge of the duties of the department of engineering. All employes of the department of engineering other than those provided for in section six of this act, when employed upon public work at any state institution in this state shall be paid from the funds of the state institution at which such work is performed. In all other cases, such employes shall be paid by the department of engineering. All inspectors employed by the state engineer on any public work shall render to the state engineer a full, true and correct report of the kind, manner and progress of all work upon which he is such inspector. Any inspector who renders a false report knowing the same to be false shall be guilty of a felony. It shall be the duty of the state engineer to keep a full, true and correct detailed account of the cost of all work done under the control of the department of engineering, and with the consent of the advisory board may employ a clerk for the proper compiling thereof. Such account shall be always open to the inspection of the public.

How paid.

Reports of inspectors.

Employment of clerk.

Biennial report of engineer

SEC. 16. The state engineer shall prepare biennial reports which shall be submitted to the governor at least thirty days before each session of the legislature. Said report shall embrace the work and investigations of the department under his charge for the previous two years, together with such recommendations for changes in the laws affecting the department as he may deem advisable, and shall suggest and recommend changes relating to the road systems or administration within the state. It shall be the duty of the state printer to print all reports, bulletins or other matter and furnish any other necessary illustrations or diagram therefor as the depart-

Duty of state printer.

ment may deem necessary, all of which shall however, be subject to the approval of the state board of examiners.

SEC. 17. The state engineer shall receive the sum of four thousand eight hundred dollars (\$4,800) per annum; each assistant state engineer shall receive three thousand dollars (\$3,000) per annum; the state architect shall receive four thousand dollars (\$4,000) per annum; each draughtsman shall receive two thousand dollars (\$2,000) per annum; the secretary and stenographer shall receive one thousand eight hundred dollars (\$1,800) per annum; and the porter shall receive four hundred and eighty dollars (\$480) per annum. Such salaries shall be paid at the same time and in the same manner as are the salaries of other state officers. The two assistant state engineers and the state architect shall each furnish the state with a bond in the sum of ten thousand dollars (\$10,000) for the faithful performance of their duties. Said bonds must be approved by the governor of the State of California and filed in the office of the secretary of state. Each and every one of the above mentioned officers shall take the oath of office as prescribed for other state officers. The members of the advisory board, the state engineer and the officers and employes of the department of engineering shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the state.

SEC. 18. The state board of examiners shall audit all bills or claims incurred by the department of engineering and the state engineer shall present claims to said board for all expenditures directly under his charge. The attorney-general of the state shall be the legal adviser of the department of engineering and the said department shall call upon the attorney-general of the state for all such legal advice and services as the discharge of its duties may require.

SEC. 19. For the purpose of carrying out the provisions of this act, the sum of ten thousand dollars (\$10,000) is hereby appropriated to pay the salaries of the officers and employes and the other expenses of said department for the remainder of the fifty-eighth fiscal year.

SEC. 20. It shall be the duty of the auditing board to the commissioner of public works, the commissioner of public works, the state highway commissioner, the debris commissioner and the Lake Tahoe wagon road commissioner to transfer to the state controller all of the property, books, reports and papers and maps of every description which is state property, and the said controller shall transfer all of said things and property to the department of engineering.

SEC. 21. An act entitled "An act creating a commissioner of public works, defining his duties and powers and fixing his compensation," approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof are hereby expressly repealed.

SEC. 22. An act entitled "An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers

Salaries of engineer and assistants.

How paid.

Bonds.

Oath of office

Traveling expenses.

Auditing of bills.

Attorney-general is legal adviser.

Appropriation for salaries.

Certain commissions to transfer all their property.

Repeal of act creating commissioner of public works.

Repeal of act creating department of highways.

and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven, is hereby expressly repealed.

Repeal
of act
creating
auditing
board.

SEC. 23. An act entitled "An act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act," approved March seven-teenth, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof are hereby expressly repealed.

Repeal
of act
creating
debris
commis-
sioner.

SEC. 24. An act entitled "An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof are hereby expressly repealed.

Repeal
of act
creating
Lake
Tahoe
wagon
road com-
missioner.

SEC. 25. An act entitled "An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act," approved April first, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof are hereby expressly repealed.

SEC. 26. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 184.

An act to amend section 2521 of the Political Code relating to employés of the state harbor commission of the port of San Francisco.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2521 of the Political Code is hereby amended to read as follows:

Bonds of
harbor
commis-
sioners for
port of San
Francisco.

2521. The president of the board must give an official bond in the sum of fifty thousand dollars, and each of the other commissioners in the sum of fifty thousand dollars, which must be approved by the governor and state treasurer by written indorsement thereon, and within fifteen days after the date of their respective commissions must be filed and recorded in the

office of the secretary of state, together with the official oath prescribed by law. The commissioners shall not be sureties for one another, nor shall any officer of the state, nor any officer or member of the legislature, be accepted as surety on said bonds. As soon as the commissioners first appointed under this act have qualified, the offices of the present commissioners shall be and are hereby declared to be vacant. The board, on entering on the duties of their office, must appoint the following officers, viz: A secretary, an assistant secretary, an attorney, a chief wharfinger, and such number of wharfingers and collectors as they deem necessary. Such officers shall hold for a term of four years from the dates of their respective appointments, but may be removed by the board at any time, after due investigation, for causes affecting their official character or competency. The order for such removal, stating distinctly the causes therefor, must be entered on their minutes. In case of a vacancy in such offices by the expiration of a term, or for any other cause, the board must fill the same by an appointment for four years.

Appoint-
ment of
assistants.

Term of
office.

CHAPTER 185.

An act to amend an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895 and March 20, 1905.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23, 1876 and as amended March 31, 1891, March 27, 1895 and March 20, 1905 is hereby amended to read as follows:

Section 1. That in all cases where the commissioners, directors, trustees, or other officer or officers, to whom is confided by law the duty of devising and superintending the erection, alteration, addition to, or improvement of any state institution, asylum or other improvement, erected, or now being erected, or to be erected, by the state, such commissioners, directors, trustees, or other officer or officers, before entering into any contract for the erection, alteration, addition to, or improvement of such institution, asylum, or other improvement, or for the supply of materials therefor, the aggregate cost of which erection, alteration, or improvement, and materials therefor, exceed the sum of one thousand dollars, shall procure of the department of engineering a full, complete, and accurate plan or plans of such institution,

Before contract-
ing for public
work,
plans to be
furnished
by state
engineer.

Working plans and bills of materials.

asylum or other improvement, or of any addition to, or alteration or improvement thereof, in all its parts, showing all the necessary details of the work, together with working plans suitable for the use of the mechanics or other builders during the construction thereof, so drawn and represented as to be plain and easily understood; and also accurate bills, showing the exact amount of all the different kinds of materials necessary in the erection thereof, addition thereto, or in the alteration or improvement thereof, to accompany said plan or plans; and also full and complete specifications of the work to be done, showing the manner and style in which the same will be required to be done, giving such directions for the same as will enable any competent mechanic or other builder to carry them out, and afford the bidders all needful information to enable them to understand what will be required in the erection, addition to, alteration, or improvement of such institution, asylum, or other improvement; and to make, or cause to be made, a full, accurate, and complete estimate of each item of expense, and the entire aggregate cost of such institution, asylum, or other improvement, or of any addition to, alteration or improvement thereof, when completed.

Estimate of cost.

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

Plans to be approved by advisory board of department of engineering.

Section 2. That such plans, drawings, representations, bills of materials and specifications of work, and estimates of the cost thereof, in detail and in the aggregate as required in the first section of this act to be obtained, shall be when made, submitted to the commissioners, directors, trustees, or other officer or officers of the institution for which said plans, drawings, representations, bills of materials, and specifications of work are made and by him or them submitted to the advisory board of the department of engineering for their approval, and if approved by them, a copy thereof shall be filed and kept in the office of the department of engineering, and a copy thereof shall be deposited and safely kept in the office of controller of state.

Sec. 3. Section three of said act is hereby amended to read as follows:

Public notice of sealed proposals.

Section 3. That after such plans, descriptions, bills of materials and specifications and estimates as are in this act required are made and approved, in accordance with the requirements of this act, it shall be and is hereby made the duty of such commissioners, directors, trustees or other officer or officers to whom the duty of devising and superintending the erection, addition to, alteration, or improvement of such institution, asylum, or other improvement as in this act provided, to give or cause to be given public notice of the time and place when and where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of such institution, asylum, or other improvement, or for the adding to, altering, or improvement thereof, and a contract or contracts based on such sealed proposals will be made, which notice shall be published weekly

for four consecutive weeks next preceding the day named for the making of such contract or contracts, in the paper having a general circulation in the county where the work is to be let, and in three papers specially representing the building trades, and having the largest circulation and published each in the cities of San Francisco, Los Angeles, and Sacramento, and shall state when and where such plan or plans, descriptions, bills, and specifications can be seen, and which shall be open to the public inspection at all business hours between the date of such notice and the making of such contract or contracts; *provided, however*, that the rates of said advertisements shall not exceed the regular advertising rates for similar matter, whether public or private, in such paper or papers. The aforesaid notice must state that bids will be received for the entire work and that bids will also be received for the performance of each of the following parts of said erection, addition, alteration or improvement, including the furnishing of materials and labor necessary therefor, viz: first, for the masonry work, including all brick, stone, terra cotta, and concrete work, and all necessary excavations and filling; second, for the iron work; third, for the carpenter, electric, and glazing work; fourth, for the plastering work; fifth, for the plumbing and gasfitting work; sixth, for the heating work; seventh, for the tinning, galvanized iron, and slating work; eighth, for the painting and graining work.

Publica-
tion.Rates
of adver-
tising.Bids for
parts
of work.

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

Section 4. That on the day named in said public notice, said commissioners, directors, trustees, or officer or officers, as aforesaid, shall proceed to publicly open said sealed proposals, and shall award such contract or contracts for doing the work and furnishing materials for the same to the lowest bidder, giving responsible bonds; *provided always*, that no proposals shall be considered unless accompanied with a bond of said proposer, equal to ten per cent of his proposal, with sufficient sureties, conditioned that if said proposal shall be accepted the party proposing will duly enter into a proper contract, and faithfully perform his or their contract or contracts, in accordance with said proposal, and the plan or plans, specifications, and descriptions, which shall be and are hereby made a part of such contract or contracts; *and provided further*, that such contract or contracts shall not be binding on the state until they are submitted to the attorney-general, and by him found to be in accordance with the provisions of this act, and his certificate thereon to that effect made; *and provided further*, that if in the opinion of such commissioners, directors, trustees, or other officer or officers the acceptance of the lowest bid or bids shall not be for the best interests of the state, it may be lawful for them, with the written advice and consent of the advisory board of the department of engineering to accept such proposal or proposals opened, as in their opinion may be better for the inter-

Bond of
bidder.Attorney-
general to
certify to
contract.Bids
may be
accepted or
rejected.

ests of the state, or reject all proposals and advertise for others in the manner aforesaid. All contracts shall provide that such commissioners, directors, trustees, or other officer or officers may, as hereinafter provided, and on the conditions stated, make any change in the work or materials.

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

Advisory board must approve changes of plans.

Section 5. That no change of the plan or plans, descriptions, bills of materials, or specifications which shall either increase or decrease the cost of said institution, asylum, building, or improvement, exceeding the sum of one thousand dollars, shall be made or allowed after they are once approved and filed with the controller of state and in the office of the department of engineering, until such proposed change shall have received the approval of the advisory board of the department of engineering; and when so approved, the plan or plans of such change, with the description thereof, and the specifications of the work, and bills of material, shall be filed with the controller of state and in the office of the department of engineering, in the same manner as required before such change was made; and no allowance whatever shall be made for work performed or materials furnished under such change of plan or plans, or descriptions, or specifications, or bills of materials, unless, before such labor is performed and materials furnished, a contract or contracts therefor is made in writing, which contract or contracts shall show distinctly the nature of such change, and shall be subject to all the conditions and provisions herein imposed upon the original contracts, and be subject also to the approval of the attorney-general as hereinbefore provided; *provided*, that all changes in the contract exceeding five hundred dollars shall be by contracts in writing, with full specifications and estimates, and shall become a part of the original contract, and shall be filed with the controller of state and in the office of the department of engineering, with the original contract; *and provided further*, that the amount of such change in the contract, plans, descriptions, bills of materials, or specifications shall not, in the aggregate, increase the cost of construction of said institution, asylum, building, or improvement more than three per centum of the original contract price of cost.

Changed plans to be filed.

Contract for change to be in writing.

Increased cost limited to three per cent.

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

Contract not to exceed amount authorized by law.

Section 6. That no contract or contracts shall be made for the labor or material herein provided for at a price in excess of the entire estimate thereof in this act required to be made, and the entire contract or contracts shall not, including estimates of expenses for inspectors and otherwise, exceed in the aggregate the amount authorized by law for such institution, asylum, building, or other improvement, or such addition to, or alteration or improvement thereof, under the penalties of section ten of this act hereinafter provided.

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

Section 7. At the time or times named in the contract or contracts made and filed with the controller of state, or which has been previously made and filed with him, in accordance with the provisions of this act, for payment to the person or persons with whom such contract or contracts had been made, it shall be and is hereby made the duty of the commissioners, directors, trustees, or other officer or officers, to whom is confided the duty of superintending the erection of such institution, asylum, building, or improvement, or adding to, altering, or improving the same, to make or cause to be made a full, accurate, and detailed estimate of the various kinds of labor performed and materials furnished under such contract or contracts, with the amount due for each kind of labor and materials, and the amount due in the aggregate, which estimate shall be based upon an actual measurement of the labor so performed and materials so furnished, which estimate shall, in all cases, give the amounts of the preceding estimate or estimates, and the amount of labor performed and materials furnished since the last estimate, which estimate or estimates so made, as in this act required, a copy of which shall be filed in the office of the department of engineering, shall be recorded in a book for that purpose to be provided and kept, or caused to be kept, by the said commissioners, directors, trustees, or other officer or officers, and a certified copy thereof, addressed to the controller of state by the said commissioners, directors, trustees, or other officer or officers, or by such person as they may designate for that purpose, be delivered to the contractor or contractors, entitled thereto; *provided*, that upon all estimates of materials furnished and delivered, and not actually having entered into and become a part of said institution, building or other improvement, there shall not be paid, until the same shall be incorporated into and become a part of said institution, building or other improvement, exceeding fifty per centum of such estimated value.

Trustees to estimate amount due.

Based on measurement.

Estimate to be recorded.

Maximum of payment.

Sec. 8. Section twelve of said act is hereby amended to read as follows:

Section 12. Whenever, in the opinion of the commissioners, directors, trustees, or other officers charged with the duty of devising and superintending the erection, alteration, addition to, or improvement of any state institution, asylum, building, or other improvement under this act, or any law of this state, the work under any contract made in pursuance of this act, or any such law, is neglected by the contractor or contractors, or that the same is not prosecuted with the diligence and force specified, meant, or intended in and by the terms of the contract, it shall be lawful for such commissioners, directors, trustees, or other officers to make a requisition upon such contractor or contractors for such additional specific force, or for such additional specific materials, to be brought into the work under such contract, or to remove improper materials from the grounds, as in the judgment of such commissioners,

Neglect by contractor not permitted.

Notice to
negligent
contractor.

Trustees to
prosecute
work.

directors, trustees, or other officers, said contract and its due and faithful fulfillment require; of which action of said board or other officers, due notice in writing of not less than five days, shall be served upon such contractor, or his or their agent having charge of the work. And if such contractor or contractors fail to comply with such requisition within fifteen days, it shall be lawful for said commissioners, directors, trustees, or other officers, with the consent, in writing, of the advisory board of the department of engineering, to employ upon such work the additional force, or supply the materials so specifically required as aforesaid, or such part of either as they may deem proper, and to remove improper materials from the grounds; and it shall be the duty of such commissioners, directors, trustees, or other officers, to make separate estimates of all such additional force or materials so employed or supplied as aforesaid, and which, being certified to by said commissioners, directors, trustees, or other officers, shall be paid by the controller of state the same as if made out agreeably to section seven of this act, and the amount so paid shall be charged against said contractor or contractors, and deducted from his or their next, or any subsequent, estimate; or the same, or any part thereof, not paid as aforesaid, may be recovered by action from such contractor or contractors, and their sureties.

CHAPTER 186.

An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sale of
adulter-
ated drugs
pro-
hibited.

SECTION 1. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale within the State of California, or the introduction into this state from any other state, territory, or the District of Columbia, or from any foreign country, of any drug which is adulterated, mislabeled or misbranded within the meaning of this act is hereby prohibited. Any person, firm, company, or corporation who shall import or receive from any other state or territory or the District of Columbia or from any foreign country, or who having so received shall deliver for pay or otherwise, or offer to deliver to any other person, any drug adulterated, mislabeled or misbranded within the meaning of this act, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, in the State of California, any such adulterated,

misbranded, or misbranded drug, shall be guilty of a misdemeanor; *provided*, that no article shall be deemed misbranded, mislabeled or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

Goods intended for export.

SEC. 2. That the term "drug" as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Definition of term, "drug."

SEC. 3. The standard of purity of drugs shall be the United States Pharmacopœia and National Formulary, and the regulations and definitions adopted for the enforcement of the food and drugs act of June 30, 1906, shall be adopted by the state board of health for the enforcement of this act.

Standard of purity.

SEC. 4. Drugs shall be deemed adulterated within the meaning of this act in any of the following cases:

What constitutes adulteration.

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation; *provided*, that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the package thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If the strength or purity fall below the professed standard or quality under which it is sold.

SEC. 5. That the term "misbranded" as used herein shall apply to all drugs, the package or label of which shall bear any statement, design, or device, regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug which is falsely branded or labeled as to the county, city and county, city, town, state, territory, District of Columbia or foreign country in which it is manufactured or produced.

Definition of term "misbranded."

SEC. 6. Drugs shall be deemed mislabeled or misbranded under the meaning of this act in either of the following cases:

What shall be deemed mislabeled or misbranded.

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other con-

tents shall have been placed in such package, or if the package as offered for sale at retail or wholesale, fail to bear a statement on the label of the per cent of volume of alcohol, or the quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein, except when prescribed by a licensed physician, licensed dentist, or licensed veterinary surgeon.

Definition of term "package."

SEC. 7. The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing any drug.

Evidence of violation of act.

SEC. 8. The sale or offering for sale of any adulterated, mislabeled or misbranded drug by any manufacturer, producer, jobber, packer or dealer in drugs, or broker, commission merchant, agent, employé or servant of any such manufacturer, producer, jobber, packer or dealer, shall be prima facie evidence of the violation of this act.

State laboratory to analyze suspected drugs.

SEC. 9. Whenever required by the state board of health or its secretary, examinations and analyses of drugs on sale in California suspected of being adulterated, mislabeled or misbranded, shall be made by the director of the state laboratory for the examination and analysis of foods and drugs. Said state board of health or the secretary may appoint such agent or agents as it may deem necessary for the enforcement of this act, and the sheriffs of the respective counties of the state are hereby appointed and constituted such agents. Any agent or sheriff shall have the right to purchase at the place of business of any manufacturer or dealer, any drug suspected of being adulterated, mislabeled or misbranded within the meaning of this act, tendering the market price of said articles, if a sale be refused, he may take from any person, firm or corporation samples of any articles suspected of being adulterated, mislabeled and misbranded, and shall deliver or forward such samples to the said director of the state laboratory for examination and analysis.

Right of sheriff to purchase or seize.

Report to district attorney.

SEC. 10. It shall be the duty of the state board of health whenever it has satisfactory evidence of the violation of any of the provisions of this act respecting the adulteration, mislabeling or misbranding of drugs, to report such facts to the district attorney of the county where the law is violated.

Unlawful to refuse to sell to sheriff.

SEC. 11. It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the state board of health, any sample of drug upon tender of the market price therefor, or to conceal any such drug from such officer, or to withhold from him information where such drug is kept or stored. Any such person so refusing to sell, or concealing such drug, or withholding such information from said officer, shall upon conviction, be punished as provided in section nineteen of the Penal Code of the State of California.

SEC. 12. Whenever said director shall find from his examination and analysis that adulterated, mislabeled or misbranded drugs have been on sale in this state, he shall forthwith report to the secretary of the state board of health, and shall promptly transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded drug was found.

When analysis shows adulteration, report.

SEC. 13. Every certificate signed by the said director of the state laboratory shall be prima facie evidence of the facts therein stated.

Evidence of facts

SEC. 14. The said director of the state laboratory shall make an annual report to the state board of health, on or before August first of each year, upon adulterated, mislabeled or misbranded drugs, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. Said report, or any part thereof, may, in the discretion of the state board of health, be included in the report which the state board of health is already authorized by law to make to the governor. The state board of health may, in its discretion publish any part of said report in any issue of its monthly bulletin.

Annual report of director of state laboratory.

SEC. 15. When the examination or analysis of the director of the state laboratory shows that any of the provisions of this act have been violated, notice of that fact together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the board of health at which time said party or parties may be heard before the state board of health or any two members thereof, and the secretary. The hearing shall be held in the city of Sacramento and at least fifteen days notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorneys and may propound the interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the state laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly served as provided herein, the secretary of the state board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded drug was found. No publication thereof shall be made until after said hearing is concluded.

Hearings for violation of act.

Where held.

Facts to be certified to district attorney.

SEC. 16. It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to obtain by purchase a sample of the adulterated, mislabeled or misbranded drug complained of and divide said article into three parts, and each part shall be sealed by the sheriff with a

Duty of sheriff.

seal provided for that purpose. If the package be less than four pounds, or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing said drug. One sample shall be sent to the director of the state laboratory, and the third sample shall be sent to and held under seal by the state board of health.

Fees of
sheriff.

SEC. 17. For his services hereunder the said sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as by the board of supervisors of his county may be deemed reasonable, and all accounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said supervisors and paid by his said county as other bills of said sheriff.

Duty
of district
attorney.

SEC. 18. It shall be the duty of the district attorney of each county to prosecute all violations of the provisions of this act occurring within his county.

Penalty
for viola-
tion of act.

SEC. 19. Any person, firm, company or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Drugs found to be adulterated or misbranded within the meaning of this act may, by order of any court or judge, be seized and destroyed.

Disposi-
tion
of fines.

SEC. 20. One half of all fines collected by any court or judge for the violations of the provisions of this act shall be paid to the state treasurer and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of examiners.

Guaranty
of jobber
protects
dealer.

SEC. 21. No dealer shall be prosecuted under the provisions of this act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect, that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed under the food and drugs act, June 30, 1906." In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state, and it appears from the certificate of the director of the

Prosecu-
tion
of jobber.

state laboratory that such article or articles were adulterated or misbranded, within the meaning of this act, or the national pure food act, approved June 30, 1906, the district attorney must forthwith notify the attorney-general of the United States of such violation.

Sec. 22. This act shall be in force and effect from and after the first day of January, nineteen hundred and eight.

CHAPTER 187.

An act making an appropriation of two thousand nine hundred (\$2900.00) dollars to be applied to the cost of grading, curbing with wood, macadamizing and concrete guttering Hearst avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the controller and treasurer in reference thereto.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand nine hundred (\$2900.00) dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the use of the regents of the University of California, to be applied to the cost of grading, curbing with wood, macadamizing and concrete guttering Hearst avenue in Berkeley, along the northerly boundary of the grounds of the University of California.

Improvement of street adjacent to state university, appropriation.

Sec. 2. The controller is authorized and directed to issue his warrant for the above named sum, payable to the treasurer of the University of California, and the treasurer of the state is directed to pay the same.

Sec. 3. This act shall take effect immediately.

CHAPTER 188.

An act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa county, and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars or so much thereof as may be necessary is hereby appropriated for the erection of an additional building at the Veterans' Home of California, located at Yountville, Napa county, to be used as a storehouse for quartermaster and commissary supplies.

Storehouse for Veterans' Home, appropriation.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of said Veterans' Home of California for the money herein appropriated.

SEC. 3. This act shall take effect on and after July 1st, 1907.

CHAPTER 189.

An act to provide for furnishing a cottage for male patients at the Mendocino State Hospital and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Cottage for
Mendocino
State
Hospital,
appropriation.

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of managers of the Mendocino State Hospital for the purpose of furnishing a cottage for male patients at said state hospital.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

CHAPTER 190.

An act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa county, and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repairs at
Veterans'
Home,
appropriation.

SECTION 1. The sum of eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of making necessary repairs to the buildings at the Veterans' Home of California, located at Yountville, Napa county.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of said Veterans' Home of California for the money herein appropriated.

SEC. 3. This act shall take effect on and after July 1st, 1907.

CHAPTER 191.

An act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa county.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for the construction of septic tanks and connections for sewage and for changing the storm water connections from sewers to surface drains at the Veterans' Home of California, located at Yountville, Napa county. Improvements at Veterans' Home, appropriation.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of said Veterans' Home of California for the money herein appropriated.

SEC. 3. This act shall take effect on and after July 1st, 1907.

CHAPTER 192.

An act to aid the county of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of seven thousand dollars (\$7,000), for aid to the county of Modoc in the construction of permanent work on the county road between Alturas and Cedarville. Of the money herein appropriated thirty-five hundred dollars (\$3,500) shall become available July 1st, 1907, and the remaining sum of thirty-five hundred dollars shall become available January 1, 1908; *provided*, that the controller shall not draw his warrant for any part of said sum until a certificate signed by the highway commissioner is presented, stating that the sum of thirty-five hundred dollars (\$3500.00) has been expended from the funds of said county. Alturas and Cedarville road, appropriation to aid construction.

SEC. 2. The road work above mentioned is placed under the management and control of the department of highways, and it shall be the duty of said department to do the work Control of work.

upon the best and most economical plan consistent with the best interests of Modoc county and the state.

SEC. 3. The state controller is hereby instructed and directed to draw his warrants, in payment for said work, at such time and in such amounts as the department of highways may present claims for. Said warrants shall be drawn in favor of the highway commissioner and the state treasurer is hereby directed and instructed to pay said warrants, and the highway commissioner shall disburse the same.

CHAPTER 193.

An act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the bay of San Diego.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Title to
lands on
San Diego
bay,
appropria-
tion to
establish.

SECTION 1. The sum of ten thousand (\$10,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay for all necessary legal or other expenses, including attorney's fees, court fees, witness fees, surveys and other necessary and incidental expenses, incurred by the board of harbor commissioners for the bay of San Diego, in settling or establishing the disputed title to or boundaries of lands fronting on the bay of San Diego.

SEC. 2. The controller is hereby directed to draw his warrants for the amount herein made payable, upon proper demands approved by the board of harbor commissioners for the bay of San Diego, and the treasurer is hereby directed to pay same.

This act shall take effect immediately.

CHAPTER 194.

An act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to the various state officers, boards, commissions, schools, and other state institutions for the remainder of the fifty-eighth fiscal year.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifteen thousand one hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for all printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the various state officers, boards, commissions, schools, and other state institutions, for the remainder of the fifty-eighth fiscal year; *provided*, that all requisitions or parts thereof made upon said appropriation may be reduced or rejected by the state board of examiners; *and, provided further*, that said appropriation shall be apportioned as follows:

Adjutant General, one thousand dollars,.....	(\$1,000.00)	Printing for state officers and boards, appropria- tion.
Board of Equalization, one hundred and fifty dollars,	(150.00)	
Board of Equalization, printing annotated revenue laws, five hundred dollars,.....	(500.00)	
Board of Health, two hundred dollars,.....	(200.00)	
Clerk of the Supreme Court, fourteen hundred and fifty dollars,.....	(1,450.00)	
California Polytechnic School, two hundred dollars, (200.00)	
Fish Commission, five hundred dollars,.....	(500.00)	
Governor, three hundred dollars,.....	(300.00)	
Insurance Commissioner, twelve hundred dollars,..	(1,200.00)	
State Agricultural Society, two thousand dollars,..	(2,000.00)	
State Treasurer, three hundred dollars,.....	(300.00)	
Superintendent of Public Instruction, five thou- sand dollars,.....	(5,000.00)	
Surveyor-General, three hundred dollars,.....	(300.00)	
Bank Commissioners, two thousand dollars,.....	(2,000.00)	

SEC. 2. The controller is hereby authorized to draw his warrants for the amount herein made payable upon demands approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 195.

An act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the state board of examiners, and to appropriate money therefor.

[Approved March 11, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Portrait
of ex-
Governor
Pardee.

SECTION 1. The state board of examiners are hereby authorized to contract with a competent artist for the purchase of a portrait of ex-Governor George C. Pardee, the same to be appropriately framed, at a price not to exceed five hundred dollars; and upon delivery of such portrait, so framed, to the said board of examiners, the controller shall draw his warrant as said board of examiners may direct for the amount of the contract price; and the treasurer is hereby directed to pay the same.

Appropriation.

SEC. 2. The sum of five hundred dollars, or so much thereof as may be necessary to pay the controller's warrant, drawn under the provisions of section one of this act, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose named in section one of this act.

SEC. 3. This act shall take effect from and after its passage.

CHAPTER 196.

An act to amend section five hundred and one of the Political Code, relating to fees to be charged by the register of the state land office.

[Approved March 12, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Fees of
register
of
state land
office.

SECTION 1. Section five hundred and one of the Political Code is hereby amended to read as follows:

501. The register of the state land office for services performed in his office must charge and collect the following fees: For each certificate of purchase or duplicate, three dollars; for each patent or certified copy of record thereof, five dollars; for certifying a contested case to superior court, ten dollars; for copies of papers in his office, twenty cents per folio and one dollar for certificate with the seal attached; and such other fees as may be allowed by law. All fees received by the register shall be paid into the state treasury on the first Monday of each and every month and placed to the credit of the general fund.

SEC. 2. This act shall take effect immediately.

CHAPTER 197.

An act to add a new section to the Political Code, to be numbered section 1671a, relating to the issue of bonds for the support of county high schools.

[Approved March 12, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered section 1671a, and to read as follows:

1671a. In counties where county high schools have been established pursuant to section 1671 of this code, the board of supervisors may, when in their judgment it is advisable, and must upon a petition of a majority of the heads of families as shown by the last preceding school census of the county, residing in the county, call an election and submit to the electors of the county, whether the bonds of such county shall be issued and sold for the purpose of raising money for purchasing high school lots, for building or purchasing one or more high school houses, for insuring the same; for supplying the same with furniture and necessary apparatus, for improving the grounds, or for any or all of said purposes. The conduct of said election and the issue, sale and payment of said bonds shall be in the manner prescribed in subdivision 13 of section 25 of an act entitled "An act to establish a uniform system of county and township government," approved April 1, 1897.

County
high
schools,
bond
elections.

SEC. 2. This act shall take effect from and after its passage.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 198.

An act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the state for the fifty-seventh and fifty-eighth fiscal years.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for the arrest of criminals without the state for the fifty-seventh and fifty-eighth fiscal years.

Arrest of
criminals
without
the state,
deficiency
appropriation.

SEC. 2. The controller is hereby directed to draw his warrant upon proper demands audited by the state board of examiners for the amount appropriated herein, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 199.

An act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal chapter 263, statutes 1905, all relating to the water supply at the Whittier State School.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Water
supply for
Whittier
State
School,
appropriation.

SECTION 1. The sum of thirty-nine hundred and seven and fifty one-hundredths dollars (\$3907.50) 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 developing water and furnishing proper equipment for the same on the property of the state at the Whittier State School.

SEC. 2. The state controller is hereby directed to draw his warrants to the amount herein made payable, in favor of the board of trustees of the Whittier State School, and the state treasurer is hereby directed to pay the same.

Prior act
repealed.

SEC. 3. Chapter 263 of the statutes of 1905, entitled "An act making an appropriation of three thousand nine hundred and seven dollars and fifty cents to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch to be used at said school," approved March 18, 1905, is hereby repealed.

SEC. 4. This act shall take effect immediately.

CHAPTER 200.

An act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa county, and making an appropriation therefor.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa county.

Plumbing
repairs at
Veterans'
Home,
appropriation.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of said Veterans' Home of California for the money herein appropriated.

SEC. 3. This act shall take effect on and after July 1st, 1907.

CHAPTER 201.

An act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa county.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-four 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 improving the water supply at the Veterans' Home of California, located at Yountville, Napa county, and if required to purchase additional lands therefor.

Water
supply at
Veterans'
Home,
appropriation.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of said Veterans' Home of California for the money herein appropriated.

SEC. 3. This act shall take effect on and after July 1st, 1907.

CHAPTER 202.

An act to provide for the reconstruction and repair by the board of state harbor commissioners, of wharves, piers, docks, bulkheads, sheds, streets and seawall, the property of the State of California situated on the water front of the city and county of San Francisco and making an appropriation therefor.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repair of
wharves,
San
Francisco
water
front.

SECTION 1. The board of state harbor commissioners are hereby authorized and empowered in the manner and method prescribed by law to reconstruct and repair wharves, piers, docks, bulkheads, sheds, streets and seawall, the property of the State of California situated on the water front of the city and county of San Francisco.

Appropriation.

SEC. 2. There is hereby appropriated for said purposes out of any moneys in the state treasury not otherwise appropriated, the sum of two hundred and fifty thousand (250,000) dollars and the state controller and the state treasurer are hereby directed to transfer said sum from the general fund to the San Francisco harbor improvement fund.

Transfer
of funds.

SEC. 3. The state controller and the state treasurer are hereby directed on the 30th day of June, 1908, and annually thereafter for four years to transfer from the San Francisco harbor improvement fund to the general fund the sum of fifty thousand (50,000) dollars together with interest at the rate of four per cent per annum on said sum of two hundred and fifty thousand (250,000) dollars or such portion thereof as shall remain untransferred to the general fund from the San Francisco harbor improvement fund, as provided herein.

SEC. 4. This act shall take effect and be in force from and after June 30th, 1907.

CHAPTER 203.

An act appropriating money to carry on the work provided for in an act entitled "An act authorizing the governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the senate and assembly of the thirty-sixth session of the legislature of the State of California, of which commission the governor shall be ex-officio a member and chairman, to investigate the system of revenue and taxation in force in this state, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any moneys not otherwise appropriated for the purpose of carrying on the work mentioned and provided for to be carried on under and by virtue of "An act authorizing the governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the senate and assembly of the thirty-sixth session of the legislature of the State of California, of which commission the governor shall be ex-officio a member and chairman, to investigate the system of revenue and taxation in force in this state, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Appropriation to continue work of commission on revenue and taxation.

SEC. 2. Said money shall be expended and used for the purpose of paying the necessary expenses of the members of said commission while actually engaged in the performance of their duties, as prescribed in said act, and for the salary of the expert mentioned in said act, and for all necessary clerical, printing and other expenses connected with the work of carrying out the provisions of said act. The claims for each shall be audited and approved by the board of examiners, in the manner provided by law, and when so approved, the state controller is authorized to draw his warrant therefor, and the treasurer is directed to pay the same.

How appropriation shall be expended.

CHAPTER 204.

An act making an appropriation to pay the deficiency in the appropriation for the maintenance of the Sonora and Mono road, a state highway under the supervision of the department of highways for the fifty-eighth fiscal year.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sonora and Mono road deficiency appropriation for maintenance.

SECTION 1. The sum of eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for maintenance of Sonora and Mono road, a state highway under the supervision of the department of highways for the fifty-eighth fiscal year.

SEC. 2. The state controller is hereby directed to draw his warrant, on proper demand, audited by the state board of examiners, for the amount appropriated herein, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 205.

An act making an appropriation of one thousand six hundred and twenty-one (\$1,621.00) dollars to repay the regents of the University of California for moneys appropriated by them to rebuild the barn of the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the controller and treasurer of state in relation thereto.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Rebuilding barn of Lick Observatory, appropriation.

SECTION 1. The sum of one thousand six hundred and twenty-one (\$1,621.00) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to repay the regents of the University of California for moneys appropriated by them to rebuild the barn of the Lick Observatory at Mount Hamilton, California, which was destroyed by fire.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant for the same, payable to the order of the treasurer of the University of California, and the treasurer of state is hereby directed to pay such warrant.

SEC. 3. This act shall take effect and be enforced from and after its passage.

CHAPTER 206.

An act to regulate and license the hunting of game birds and animals and to provide revenue therefrom, for game preservation and restoration and to make appropriation for the purpose of carrying out the objects of this act.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Except as provided in section 11 hereof, every person in the State of California, who hunts, pursues or kills any of the wild birds or animals, protected by the laws of this state, without first procuring a license therefor, as provided in this act, is guilty of a misdemeanor.

License required to hunt game during open season.

SEC. 2. Licenses granting the privilege to hunt, pursue, or kill wild birds or animals, during the open season as fixed by law, shall be issued and delivered upon application, by the county clerk of any of the counties of this state, or by the state board of fish commissioners, which license shall be of aluminum or other suitable metal, circular in form, approximately two inches in diameter, and have stamped thereon the words: "Hunting License No. ———, State of California, expires June 30, 19—," with the registration number, and appropriate year stamped therein, which said licenses shall be prepared and furnished to the county clerk, and for their own disposition, by the state board of fish commissioners, which board shall take receipt therefor by number and quantity, from the several county clerks, and the county clerk shall be responsible therefor, and shall account for the same to the controller of state every three months after receipt thereof.

How license may be procured.

SEC. 3. The licenses herein provided for shall be issued as follows:

To whom issued, and cost.

1st. To any citizen of the United States who is a bona fide resident of the State of California, upon the payment of one dollar.

2nd. To any citizen of the United States, not a bona fide resident of the State of California, upon the payment of ten dollars.

3rd. To any person not a citizen of the United States, upon the payment of twenty-five dollars.

SEC. 4. Every person applying for and procuring a license as herein provided shall give to the county clerk or state board of fish commissioners, his name and resident address, which information shall be by the clerk or board entered in a book kept for that purpose, and provided by said state board of fish commissioners, together with a statement of the date of issuance and number of the license issued to such person, and a description of such person, by age, height, race, and color of the eyes and hair.

Statement to county clerk.

Duration of license.

SEC. 5. All licenses issued as herein provided shall be valid, and shall authorize the person to whom issued, to hunt, pursue and kill game birds and animals during the open season fixed therefor by law, on and from the first day of July until the date of expiration stamped thereon, but no license shall continue in force for a period longer than one year.

Disposition of license moneys.

SEC. 6. All moneys collected for licenses as provided herein, and all fines collected for violation of the provisions hereof, shall be paid into the state treasury and credited to the game preservation fund.

License not transferable.

SEC. 7. Not more than one license shall be issued to any one person for the same fiscal year, except upon an affidavit by the applicant that the one issued has been lost or destroyed, and no license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued.

Must be exhibited to officer.

SEC. 8. Every person having a license as provided herein, who while hunting or killing game, refuses to exhibit such license upon demand of any officer authorized to enforce the game laws of the state, or any peace officer of the state, shall be guilty of a misdemeanor; and every person lawfully having such license, who transfers or disposes of the same to another person to be used as a hunting license, shall forfeit the same.

Penalty for violation of act.

SEC. 9. Every person violating any of the provisions of this act, shall, upon conviction thereof be punished by a fine of not less than ten, nor more than one hundred dollars, or by imprisonment in the county jail for a term of not less than ten, nor more than one hundred days, or by both such fine and imprisonment.

Appropriation.

SEC. 10. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of five hundred dollars for the purpose of carrying out the provisions of this act, to be used by the state board of fish commissioners for the printing and binding of suitable books and blanks, required herein, and for the purchase of the metal licenses, described herein. The state controller is hereby directed to draw his warrant for said amount in favor of said state board of fish commissioners, at such times and in such amounts as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

Persons may hunt on own grounds.

SEC. 11. The provisions of this act shall not apply to any person who on his own lands hunts, pursues or kills any of the wild birds or animals protected by the laws of this state.

SEC. 12. This act shall take effect and be in force on and after July first, 1907.

CHAPTER 207.

An act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the repair of the buildings belonging to the State Prison at Folsom, and occupied as residences by the officers and employés of the said prison. Repair of buildings at Folsom Prison, appropriation.

SEC. 2. The state controller is hereby ordered and directed to draw the necessary warrants therefor in favor of the state board of prison directors and the state treasurer is hereby directed to pay the same.

SEC. 3. All bills shall first be audited by the state board of prison directors and approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect July 1st, 1907.

CHAPTER 208.

An act to authorize the board of fish commissioners of the state to construct a fish repository on the Stanislaus river in Tuolumne county and making an appropriation therefor.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of fish commissioners of this state are hereby authorized and empowered to construct upon the Stanislaus river, at a point above the forks thereof to be determined by said board, a suitable fish repository for the protection of trout during the time of distribution. Provision for fish repository.

SEC. 2. All claims of persons for labor done and for materials furnished to said board, in pursuance of the authority herein conferred, shall be first presented to and allowed by said board and shall be by said board then forwarded to the state board of examiners for examination and allowance and if allowed by the state board of examiners, shall be then paid out of the moneys hereinafter appropriated and the state controller is hereby directed to then draw his warrant therefor and the state treasurer is directed to pay the same. Claims for labor and material.

Appropriation.

SEC. 3. The sum of five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claims provided for in this act; *provided, however*, that none of the moneys hereby appropriated shall be used to pay the purchase price of any site for said repository.

When appropriation available.

SEC. 4. This act shall take effect from and after its passage, but none of the moneys hereby appropriated shall be available until after said commission shall have selected the site for said repository and the deed conveying the same to the State of California shall have been executed and recorded in the office of the county recorder of Tuolumne county and delivered to the secretary of state, *provided further* that, after the completion of said repository, the same shall be thereafter maintained at the expense of Tuolumne county.

Expense of maintenance.

CHAPTER 209.

An act making an appropriation of five thousand (\$5,000.00) dollars for the purpose of completing the photographic laboratory in combination with a fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Vault for storing photographs, Lick Observatory, appropriation.

SECTION 1. The sum of five thousand dollars (\$5,000) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the regents of the University of California for the completion of a photographic laboratory in combination with a fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory in Santa Clara county.

SEC. 2. The controller is hereby authorized and directed to draw his warrant for the sum appropriated hereby, payable to the order of the regents of the University of California, and the treasurer of state is hereby directed to pay said warrant.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 210.

An act to appropriate the sum of fifty thousand (\$50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda county, by the board of directors thereof and provide for the payment thereof and prescribing the duties of the controller and the treasurer, in relation thereto.

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifty thousand (\$50,000) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the board of directors of the Industrial Home of Mechanical Trades for the Adult Blind, in the construction of a building, at Oakland, Alameda county, on the grounds of that institution, for the accommodation of the inmates of said home, for dormitory, dining-room and such purposes as will relieve the present congestion of the said institution and enable the admission thereto as inmates of the large number of blind, by law entitled to the benefits of said home.

Building
for
Industrial
Home
for Adult
Blind,
appropriation.

SEC. 2. The controller is hereby authorized and directed to draw his warrant for the sum of fifty thousand (\$50,000) dollars, payable to the order of the board of directors of the Industrial Home of Mechanical Trades for the Adult Blind, and the treasurer is hereby directed to pay the same.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER 211.

An act providing for an appropriation of \$8000 for the purpose of purchasing additional land along the south line of "L" street between 26th and 28th streets, in Sacramento City, so as to extend and improve the grounds in and about "Sutter's Fort."

[Approved March 13, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$8000.00 is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of purchasing a strip of land along the south line of "L" street between 26th and 28th streets in the city of Sacramento, for the purpose of providing more suitable boundaries of said "Sutter's Fort."

Extending
grounds,
Sutter's
Fort,
appropriation.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of Sutter's Fort trustees for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

CHAPTER 212.

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.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The governor shall appoint a board of medical examiners to be known as the board of medical examiners of the State of California, consisting of eleven members. Such appointments shall be made from separate lists presented to him every second year; five members from a list of ten names presented by the Medical Society of the State of California, two members from a list of four names presented by the California State Homeopathic Medical Society, two members from a list of four names presented by the Eclectic Medical Society of the State of California, and two members from a list of four names presented by the Osteopathic Association of the State of California. Vacancies occurring in the representation of said societies, respectively, shall be filled by appointment from said lists. The appointment of each member shall be for a term of two years, and until his successor is appointed and qualified; *provided, however,* that no professor, instructor, or other person in any manner connected with, or financially interested in any college or school of medicine or surgery or osteopathy shall be appointed a member of said board. It shall require the affirmative vote of seven members of said board to carry any motion or resolution to adopt any rule to pass any measure or to authorize the issuance of any certificate as in this act provided.

SEC. 2. Each member of said board, shall, before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is a graduate in medicine and surgery or osteopathy, and a licensed practitioner of medicine and surgery, or of osteopathy, of this state.

SEC. 3. Said board shall organize on or before the first Tuesday of May, 1907, by electing from its number a president, vice-president, secretary and treasurer, who shall hold their respective positions during the pleasure of said board.

Said board shall hold its regular meetings in the city and county of San Francisco on the first Tuesday of April, August, and December of each year, with power of adjournment from time to time until its business is concluded; *provided, however,* that examinations of applicants for certificates may, in the discretion of the board, be conducted in any part of the state designated by the board. Notice of each regular meeting of the board shall be given by publication twice a week for each of the two weeks next preceding each meeting, in two daily papers published in the city of San Francisco, in one daily paper published in the city of Sacramento, and one daily paper published in the city of Los Angeles, which notice shall also specify the time and place of holding the examination of applicants. Special meetings of the board may be held at such time and place as the board may designate, and the same notice thereof shall be given as in case of regular meetings. Said board shall receive through its secretary applications for the certificates provided to be issued by this act, and shall on or before the first day of January of each year transmit to the governor a full report of all its proceedings, together with a report of its receipts and disbursements.

Meetings.

Examinations.

Notice of meeting.

Report of proceedings.

SEC. 4. The office of said board shall be in the city and county of San Francisco, and in all legal proceedings against the board the said city and county shall be deemed to be the residence of the members thereof.

Office of board.

SEC. 5. Said board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. Any member of said board may administer oaths in all matters pertaining to the duties of said board, and the board shall have authority to take evidence in any matter cognizable by it.

Rules.

SEC. 6. Three forms of certificate shall be issued by said board under the seal thereof and signed by the president and the secretary: first, a certificate authorizing the holder thereof to practice medicine and surgery; second, a certificate authorizing the holder thereof to practice osteopathy; third, a certificate authorizing the holder thereof to practice any other system or mode of treating the sick or afflicted not referred to in this section.

Forms of certificates.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must also file with said diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful holder thereof, and that the same was procured in the

How to procure certificate.

regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a blank furnished by said board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said board may by rule provide. Applicants who have failed to meet the above requirements must be rejected. Applicants for a certificate to practice osteopathy shall be subject to the above regulations, except that in place of the diploma hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty months, requiring actual attendance, and after 1908, of three years of nine months each, and including the studies examined upon under this act. Applicants for a certificate to practice any other system or mode of treatment not in this act referred to, shall be subject to the above regulations, except that in place of the diplomas hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims or intends to follow.

In addition to the requirements above set forth, all applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing on the following fundamental subjects, to wit:

Anatomy, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, general diagnosis, hygiene. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. But all applicants must obtain not less than a general average of seventy-five per cent and not less than sixty per cent in any one subject; *provided*, that applicants who can show at least ten years of reputable practice shall be granted a credit of five per cent upon the general average, and five per cent additional for each subsequent ten years of such practice.

The examination papers shall form a part of the records of the board and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board.

Sec. 7. Each applicant on making application shall pay to the secretary of the board a fee of twenty-five (25) dollars, which shall be paid to the treasurer of the board by said secretary. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of ten (10) dollars will be retained, the remainder of the fee being returnable on application.

Certificate to practice osteopathy.

Other modes of treatment.

Personal examination required.

Subjects.

General average required of applicants.

Papers a part of records.

Fees.

SEC. 8. Said board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act, with the result of each application. Said record shall be evidence of all the proceedings of said board which are set out therein. Record.

SEC. 9. Every person holding a certificate authorizing him to practice medicine and surgery, or osteopathy, or any other system or mode of treating the sick or afflicted, in this state, must have it recorded in the office of the county clerk of the county in which the holder of said certificate is practicing his profession, and the fact of such recording shall be endorsed on the certificate by the county clerk recording the same. Every such person, on each change of his residence must have his certificate recorded in the county to which he shall have changed his residence. The absence of such record shall be prima facie evidence of the want of possession of such certificate. And any person holding a certificate who shall practice medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, in this state, or to attempt to practice medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, in this state, without first having filed his certificate with the county clerk as herein provided, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment for a period of not less than thirty days nor more than sixty days, or by both such fine and imprisonment. Certificates to be recorded by county clerk.

SEC. 10. The county clerk shall keep in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours. County clerk to keep record.

SEC. 11. Said board must refuse a certificate to any applicant guilty of unprofessional conduct; but before such refusal the applicant must be cited by citation, signed by the secretary of the board, and sealed with its seal. No such citation shall be issued except upon a sworn complaint filed with the secretary of the board, charging the applicant with having been guilty of unprofessional conduct, and setting forth the particular acts constituting such unprofessional conduct. On the filing of such complaint the secretary must forthwith issue a citation 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 of the time and place, when and where the matter of said unprofessional conduct shall be heard, the particular unprofessional conduct with which the applicant is charged, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation, or default will be taken against him, and his application for a certificate refused. The attendance of witnesses at such hearing shall be compelled by subpoenas issued by the secretary of the board, under its seal; and said secretary shall in no case refuse to issue any such subpoena, upon a fee of twenty Unprofessional conduct.
Hearing of charges.

cents being paid him for each subpoena. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citations and subpoenas generally, and all provisions of the statutes of this state then in force relating to subpoenas are hereby made applicable to the subpoenas provided for herein. If any person refuse to obey a subpoena served upon him in accordance with the statutes of this state then in force providing for the manner of serving subpoenas, the fact of such refusal shall be certified by the secretary of said board, under the seal thereof, to the superior court of the county in which the service was had, and 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 has been legally served, and that the party so served has willfully 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, to the charges made against him, within twenty days after service on him of said citation, or within such further time as the board may give him, and the charges on their face 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, to that end shall hear such evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the ground of unprofessional conduct unless the applicant has been guilty of such conduct within two years next preceding his application. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter pointed out, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, it shall be their duty to, and they must, revoke the same at once, and the holder of said certificate shall not be permitted to practice medicine or surgery, or osteopathy, or any other system or mode of treating the sick or afflicted, in this state. But no such 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 revocation shall enter on his register the fact of such revocation and shall certify the fact of such revocation under

Service of
subpoenas.

Deposi-
tions.

Default.

Revoca-
tion of
certificate.

the seal of the board, to the county clerk of the counties in which the certificate 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: "This certificate was revoked on the _____ day of _____," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said revocation. From the time of the revocation of a certificate the holder thereof shall be disqualified from practicing medicine or surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in this state.

Record of revocation.

The words "unprofessional conduct," as used in this act, are hereby declared to mean:

Unprofessional conduct defined.

First—The procuring, or aiding or abetting in procuring a criminal abortion.

Second—The willfully betraying a professional secret.

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

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

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

Sixth—Habitual intemperance.

Seventh—The personation of another licensed practitioner of a like or different name.

SEC. 12. Said board shall have the power to employ legal counsel and clerical assistance and to fix the salaries of the same and to incur such other expenses as may be deemed necessary to carry into effect the provisions of this act. It shall also fix the salary of the secretary, not to exceed the sum of twelve hundred dollars (\$1200) per annum, and the sum to be paid to other members of said board, not to exceed ten (10) dollars per diem each, for each and every day of actual service in the discharge of official duties; and said board may, in its discretion, add to said sums necessary traveling expenses. All money in excess of the actual expenses of the board shall be paid annually into the state treasury.

Expenses and salaries.

SEC. 13. Any person who shall practice or attempt to practice or advertise or hold himself out as practicing medicine or surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in this state, without having, at the time of so doing, a valid, unrevoked certificate, as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred (100) dollars, nor more than five hundred (500) dollars,

Illegal practice.

Penalty.

or by imprisonment for a term of not less than sixty (60) days, nor more than one hundred and eighty (180) days, or by both such fine and imprisonment. In each such conviction the fine shall be paid, when collected, to the state treasurer, and shall constitute a special fund for the prosecution of illegal practitioners as defined in this act, the said fund to be paid to the said board upon warrants drawn therefor by its secretary, and the said board is authorized to prosecute all persons guilty of a violation of the provisions of this section.

False
registra-
tion.

SEC. 14. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in such certificate, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

False
representa-
tion.

SEC. 15. Any person assuming to act as a member of the state board of medical examiners without so being, or who shall sign, or subscribe, or issue, or cause to be issued, or seal or cause to be sealed, a certificate authorizing any person to practice medicine or surgery, or osteopathy, or any other system or mode of treating the sick or afflicted, in this state, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment for a term of not less than sixty nor more than one hundred and eighty days, or by both such fine and imprisonment.

Previous
registra-
tion.

SEC. 16. Any person who holds a certificate from the board of medical examiners created by, "An act for the regulation of the practice of medicine and surgery, in the State of California, and for the appointment of a board of medical examiners in the matter of such regulation," which took effect August the first, nineteen hundred and one, or from one of the boards of examiners heretofore existing, under the provisions of "An act to regulate the practice of medicine in the State of California," approved April third, eighteen hundred and seventy-six, or an act supplemental and amendatory to said act, which became a law, April first, eighteen hundred and seventy-eight, shall be entitled to practice medicine and surgery, in this state, the same as if it had been issued under this act; any person who holds a certificate from the board of osteopathic examiners of the State of California, under the provisions of "An act to regulate the practice of osteopathy in the State of California, and to provide for a state board of osteopathic examiners, and to license osteopaths to practice in this state, and to punish persons violating the provisions of this act," which became a law under constitutional provisions, without the governor's approval, March ninth, nineteen hundred and one, shall be entitled to practice osteopathy in this state, the same as if it had been issued under this act; but all certificates herein mentioned may be revoked for unprofessional conduct, and in the same manner, and upon the same grounds, as if they had been issued under this act.

SEC. 17. Nothing in this act shall be so construed as to inhibit service in the case of emergency, or to the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy or marine hospital service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this act apply to any practitioner from another state or territory, when in actual consultation with a licensed practitioner of this state, if such practitioner is, at the time of such consultation, a licensed practitioner in the state or territory in which he resides; *provided*, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor shall this act be construed so as to discriminate against any particular school of medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, or to interfere in any way with the practice of religion; *provided* that nothing herein shall be held to apply or to regulate any kind of treatment by prayer.

Emergency services.

Particular schools of medicine.

SEC. 18. *Repeal.* All acts, or parts of acts, in any wise conflicting with the provisions of this act, are hereby repealed.

Conflicting acts repealed.

SEC. 19. This act shall take effect from and after the first day of May, nineteen hundred and seven.

CHAPTER 213.

An act to create a reclamation district to be called "Reclamation District No. 800," and providing for the control and management thereof.

[Approved March 14, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A reclamation district is hereby created to be called "Reclamation District No. 800," and the boundaries of said reclamation district shall be as follows:

Reclamation District No. 800.

Beginning at a point in the county of Sacramento, State of California, where the northeasterly boundary line of lot No. 7, in the Sheldon Grant, intersects the westerly bank of the Cosumnes river, and running thence northwesterly along said northeasterly boundary line of said lot No. 7 being along the division line between the lands of Sarah W. Belcher and Annie Murray to the easterly bank of Deer creek in said Sheldon Grant; thence follow the meanderings of the easterly bank of said Deer creek down stream in a southwesterly direction to a point where the easterly bank of said Deer creek intersects the southwesterly boundary line of the north 360 acres of lot No. 1, in the lower Daylor estate. Said southwesterly boundary line of said north 360 acres of said lot No. 1, being a division line

Boundaries.

between the lands of C. J. Sharon and S. B. Moore; thence following said division line between the lands of said Sharon and Moore in a southeasterly direction to the westerly bank of the Cosumnes river in said lower Daylor estate; thence northeasterly along the westerly bank of said Cosumnes river upstream to the point of beginning.

Management.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California and other laws of this state, relative to reclamation districts formed under the provisions of said Political Code.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 214.

An act to change, establish and permanently locate the boundary lines of the county of Kings, and a portion of the south boundary line of the county of Fresno, and to provide for the submission of such change, establishment and location of such boundary lines, to the qualified electors of the territory to be affected by the change.

[Approved March 14, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Proposed boundary lines of Kings county.

SECTION 1. The boundary lines of the county of Kings are hereby changed, established and permanently located as follows, viz:

Beginning at the northeast corner of section one (1) in township seventeen (17) south, range twenty-two (22) east, Mount Diablo base and meridian; thence south six (6) miles; thence east three (3) miles; thence south nine (9) miles to the southeast corner of section sixteen (16) in township nineteen (19) south, range twenty-three (23) east, Mount Diablo base and meridian; thence west three (3) miles to the southeast corner of section thirteen (13) in township nineteen (19) south, range twenty-two (22) east, Mount Diablo base and meridian; thence south nine (9) miles to the southeast corner of township twenty (20) south, range twenty-two (22), Mount Diablo base and meridian; thence west to the northeast corner of township twenty-one (21) south, range twenty-two (22) east; thence south twenty-four (24) miles to the north boundary line of Kern county, as now established by law; thence west along said north boundary line of Kern county to the corner common to the counties of Monterey, San Luis Obispo and Kern, as now established by law; thence northerly along the summit of the Coast Range mountains, being also the eastern

boundary of the counties of Monterey and San Benito, as now established by law, to the southwest corner of township eighteen (18) south, range thirteen (13) east, Mount Diablo base and meridian; thence north twelve (12) miles along the range line between ranges twelve (12) and thirteen (13) to the northwest corner of township seventeen (17) south, range thirteen (13) east, Mount Diablo base and meridian; thence due east along the fourth standard line parallel south to the place of beginning.

SEC. 2. The south boundary line of Fresno county between Kings and Fresno counties is hereby declared to be the fourth standard parallel line south.

South line of Fresno county.

SEC. 3. The governor shall within ten days after this act takes effect and as hereinafter provided, appoint five persons, residents and electors of that certain territory within the following described boundaries, viz: Beginning at the northwest corner of township seventeen (17) south, range thirteen (13) east, Mount Diablo base and meridian; thence due south along the range line between ranges twelve (12) and thirteen (13), to the summit of the Coast Range mountains; thence southerly along the summit of the Coast Range mountains, the same being also the boundary line between the counties of San Benito and Monterey and the county of Fresno as now established by law, to the corner common to the counties of Fresno, Monterey and Kings; thence northeasterly along and following the boundary line between Kings and Fresno counties, as now established by law, to a point where said boundary line intersects the fourth standard parallel line south; thence due west on said fourth standard parallel line south to the place of beginning, who shall be and constitute a board of commissioners to carry out the provisions of this act. All costs and expenses that may be incurred by said commissioners, as such, in holding any election hereinafter provided for and any compensation due said commissioners, for services rendered as such, or any clerk employed by them, shall be legal charges against the county of Kings. The said commissioners shall each receive five dollars per day for each and every day's services actually rendered as such commissioners, not exceeding twenty days' services by each commissioner, and their actual traveling expenses, the same to be audited and paid as other expenses are audited and paid by the board of supervisors of Kings county. Said commissioners shall meet within said territory above described within ten days after their appointment, and after being duly sworn to faithfully discharge their duties as such commissioners, shall organize by electing one of their number president, and shall elect a clerk, who shall also be duly sworn to faithfully discharge the duties of clerk of said board of commissioners, and shall receive the sum of fifty dollars per month during his term of office. Three of the members of said board shall be necessary to transact any business and a majority of the members present at any meeting shall control in all matters coming before said board. It shall be the duty of said board of commissioners, after they

Board of commissioners to conduct election to ratify annexation.

Expenses.

Compensation.

Organization.

Quorum.

Election
precincts.

Powers
of commis-
sioners.

Election
returns.

Question
to be
submitted
to electors.

Ballots.

Conduct
of election.

Great
register.

shall have duly organized, to divide the territory last above described into not less than five nor more than nine election precincts, and to designate the place in each precinct where the election herein provided for must be held. Said commissioners and the clerk elected by them are hereby authorized, empowered and required to discharge the same duties as are now required by law of boards of supervisors and county clerks in the counties of this state so far as the same apply to holding elections, canvassing the returns and certifying the results thereof; they shall keep a full record of their proceedings, transmitting to the secretary of state a certified copy thereof, and filing the original, with the original election returns, in the office of the county clerk of the county of Fresno; and in case the qualified electors of said territory last above described shall vote in favor of such change as herein provided the said commissioners shall file a certified copy of all their proceedings and of said election returns with the county clerk of the county of Kings; and thereupon the powers and duties of said commissioners shall cease and terminate. Within sixty days from the time of the first meeting of the commissioners herein provided for, said commissioners shall order and hold an election in the said territory last hereinbefore described and in each precinct thereof created by said commissioners. At said election there shall be submitted to the qualified electors of said territory the question whether said territory herein described shall be annexed or added to Kings county; and for the purpose of ascertaining the choice of said electors the ballots used at said election shall have printed thereon the words: "For annexation to Kings County, Yes," "For annexation to Kings County, No," and all ballots on which a cross is marked with a stamp after the words "For annexation to Kings County, Yes," shall be counted in favor of such annexation of said territory hereinbefore described to Kings county, and all ballots on which a cross is marked with a stamp after the words "For annexation to Kings County, No," shall be counted against such annexation. Said election shall be conducted in every respect, except as otherwise herein provided, in accordance with the general election law for the election of county and township officers. All qualified electors of this state who have been residents and electors of the said territory last herein described for ninety days preceding the election herein provided for shall be qualified to vote at said election. The great register of Fresno county used at the general election held in the year nineteen hundred and six in the territory last above described shall be prima facie evidence of the qualification of electors; the county clerk of the county of Fresno is hereby directed to furnish the said commissioners a certificate under seal, showing the additional names of the voters on the great register of the county of Fresno, registered as residing in the said territory hereinbefore described, since the last great register of Fresno county was printed, and the certificate of the county clerk of Fresno county under seal, showing the registration of any qualified voter residing in the said terri-

tory prior to three months before such election shall entitle the holder thereof, if otherwise qualified by law, to vote at said election. It shall be the duty of the secretary of state to furnish to the clerk of said board of commissioners the quantity of ballot paper ordered by the said clerk for use at said election upon the payment of the cost of said paper. If at said election sixty per cent of the votes cast on the question of annexation of the said territory hereinbefore described to Kings county shall be in favor of such annexation, then the said territory shall be and become a part of the said county of Kings from and after the day upon which the returns of said election shall be ascertained and declared by said board of commissioners. But if at such election less than sixty per cent of the qualified electors voting for and against such annexation of said territory to the county of Kings shall be in favor thereof, then said territory hereinbefore described shall continue to be and remain a portion of the said county of Fresno. Sealed returns from the officers of election of the several precincts established by said board of commissioners shall be made to such board of commissioners at such office as they may select within the said territory within six days after the day of election. All justices of the peace, and all constables, duly elected and qualified and residents of the said territory herein described at the taking effect of this act shall hold their offices for the terms provided by law for the respective townships in which they reside. All school trustees acting as such at the time of the taking effect of this act, and residents of the said territory herein described, shall hold their offices for the time provided by law, for the respective school districts in which they severally reside, as such districts are now organized. All notaries public residents of the said territory herein described shall hold their offices until the expiration of their terms.

Secretary of state to furnish ballot paper.

Election returns.

Status of officers in proposed new territory.

SEC. 4. This act shall take effect and be in force from and after its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 215.

An act to provide for taking down the agricultural pavilion now located in Capitol Park, in the city of Sacramento, moving the material therein to Agricultural Park, near the city of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings to be known as Agricultural Pavilion and Manufacturers Pavilion, respectively, and appropriating money therefor.

[Approved March 14, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Bids for razing agricultural pavilion.

SECTION 1. It shall be, and is hereby made, the duty of the board of directors of the State Agricultural Society, immediately after the passage of this act, to advertise for bids in at least two papers of general circulation for wrecking or taking down the building known as the "New Agricultural Pavilion," now located in Capitol Park, city of Sacramento, and moving the material therein which may be suitable for use in the construction of other exhibition buildings, to Agricultural Park, located near the city of Sacramento.

What advertisement must specify.

SEC. 2. The advertisement for wrecking the said new pavilions shall specify that the work must be done with as little damage to the lumber and other material therein as possible, having in view its use for other structures.

Sale of wreckage.

SEC. 3. All wreckage or material that is not suitable for use in other buildings shall be sold by the directors of the State Agricultural Society to the highest bidder, for cash, after due notice shall have been given of such sale, and the amount received therefrom shall be added to the appropriation herein made, and must be duly accounted for.

Provision for new buildings.

SEC. 4. When the wrecking of the said new pavilion shall have been completed, and the selected material therein moved to Agricultural Park and assorted and inventoried, the said directors of the State Agricultural Society shall at once advertise in at least one paper of general circulation in the city of Sacramento, and at least one paper of general circulation in the city of San Francisco, and at least one paper of general circulation in the city of Los Angeles, for bids for erecting two buildings in the said Agricultural Park, as per plans and specifications which in the meantime must be provided and approved by said board of directors, one of said buildings to be known and designated "Agricultural Pavilion," and be designed and constructed with a view of displaying therein to the best advantage all agricultural and kindred products, and the other of said buildings to be known and designated "Manufacturers Pavilion," to be designed and constructed

Agricultural pavilion.

Manufacturers pavilion.

with the view of displaying therein to the best advantage all manufactured and kindred products.

SEC. 5. The advertisements for the erection of the buildings heretofore provided for shall specify in brief the quantity and character of the second-hand material that is available, and shall give notice to contractors that the said second-hand material may be used by them so far as it shall be found suitable, and that the said contractors must supply any other material that may be found necessary.

Notice to
con-
tractors.

SEC. 6. If from the money hereby appropriated and the salvage that may be added thereto, sufficient remains after paying the cost of wrecking and erecting the buildings heretofore provided for, the said directors of the State Agricultural Society are hereby authorized to use the same for the erection at the said Agricultural Park of a substantial shed, of dimensions according to the funds available, suitable for the protection and exhibition of machinery, and the same shall be known as "Machinery Shed."

How
surplus
money
may be
used.

SEC. 7. For the purpose of making the improvements and carrying out the duties provided for in this act, the sum of fifty thousand dollars is hereby appropriated out of the state treasury, from any funds not otherwise appropriated, and the treasurer of the State of California is hereby authorized and directed to pay the same upon warrants drawn by the controller of state on the order of the board of directors of the State Agricultural Society and satisfactory proof that the money is to pay the expense incurred in carrying out the duties and making the improvements prescribed herein.

Appropriation.

SEC. 8. The money herein appropriated shall be available on January 1st, 1908.

CHAPTER 216.

An act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell or offer for sale, or have on hand for sale, any milk, or product of milk, that is adulterated within the meaning of this act. The word "person" as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any employé, officer, agent or other

Sale of
adulter-
ated milk
prohibited.

How act
shall be
construed.

person, acting for or employed by any individual, corporation, company, society or association, within the scope of his employment or office, shall in every case also be deemed to be the act, omission or failure of such individual, corporation, company, society or association, as well as that of the person. The provisions of this act shall be construed to apply to hotel keepers, restaurant keepers and boarding house keepers or any person who shall serve meals and accept money therefor. The words "product of milk" as used in this act, shall not apply to any product into which milk, or a product of milk, may enter as an ingredient or component of a food product that does not consist of milk, or milk products alone, such as pastry, confectionery and ice cream, and excepting in case of condensed milk or evaporated milk or cream in which case the provisions of this act shall apply, *provided*, that this section shall not be construed to prevent the use of common salt (chloride of sodium) in dairy products. Any label, printed matter, or advertising or descriptive matter appearing upon, or in connection with any package, parcel or quantity of milk or milk products when being sold, offered for sale, or having on hand for sale, and having reference to the article being sold, offered for sale, or on hand for sale, shall conform with the provisions of this act, and if it fails to conform with the provisions of this act, such article shall be deemed adulterated under this act. It shall be unlawful for any person under this act, when selling or offering for sale, or having on hand for sale, milk or any product of milk to use the words "milk," "condensed milk," "sweetened condensed milk," "condensed skimmed milk," "evaporated cream," "cream" or "butter," either verbally or printed or written on any label or printed matter used in connection with the sale, or offering for sale, or having on hand for sale, of milk or any product of milk, or upon any bill of fare used in any hotel, restaurant or other places where meals are served when the article shall not conform with the provisions of section two of this act.

"Product of milk" defined.

Labels must conform to provisions of act.

Definitions and standards.

SEC. 2. Milk and the products of milk enumerated in this section shall be deemed adulterated within the meaning of this act if it or they shall not conform with the following definitions and standards:

Milk.

1. Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen (15) days before and five (5) days after calving, and contains not less than three (3.0) per cent of milk fat, and not less than eight and five-tenths (8.5) per cent of solids—not fat.

Skim milk.

2. Skim milk is milk from which a part or all of the cream has been removed and contains not less than nine and twenty-five hundredths (9.25) per cent of milk solids.

Condensed milk.

3. Condensed milk or evaporated milk, is milk from which a considerable portion of water has been evaporated and contains not less than twenty-eight (28) per cent of milk solids of which not less than twenty-seven and five tenths (27.5) per cent is milk fat.

4. Sweetened condensed milk is milk from which a considerable portion of water has been evaporated and to which sugar (sucrose) has been added, and contains not less than twenty-eight (28) per cent of milk solids, of which not less than twenty-seven and five tenths (27.5) per cent is milk fat.

Sweetened condensed milk.

5. Condensed skim milk is skim milk from which a considerable portion of water has been evaporated.

Condensed skim milk.

6. Cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean and contains not less than eighteen (18) per cent of milk fat.

Cream.

7. Evaporated cream, clotted cream, is cream from which a considerable portion of water has been evaporated.

Evaporated cream.

8. Milk fat, butter fat, is the fat of milk and has a Reichert-Meissel number not less than .905 (40 degrees C.).

Milk fat.

9. Butter is the clean, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than 80 per cent of milk fat.

Butter.

SEC. 3. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of this act; *provided*, that nothing in this act shall be construed to prevent any city or county board of health or other city or county official from enforcing the provisions of this act.

Duty of state dairy bureau.

SEC. 4. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars, or by imprisonment in the county jail for not less than ten nor more than sixty days. *Provided* that no conviction shall be had where a conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed and marked for identification, and one of such samples left with the person accused. All fines collected under this act shall be paid to the state dairy bureau when the complaint is made through the state dairy bureau and the state dairy bureau shall pay the same to the state treasurer and the amount paid by the state dairy bureau to the state treasurer is hereby appropriated to the use of the state dairy bureau in enforcing this act for the fiscal year in which the amount was paid to the state treasurer.

Penalty for violation of act.

Fines.

SEC. 5. It shall be unlawful for any person to prevent or interfere with the duly authorized inspectors or agents of the state dairy bureau, or any city or county board of health, from entering any place or premises where milk or products of milk are produced or manufactured or prepared or to prevent or interfere with such inspectors or agents in the event they deem it advisable to secure samples of milk or milk products from any person producing or selling milk or products of milk for the purposing of analyzing the same to ascertain whether this act is being violated.

Interference with inspectors.

Duty of
district
attorney.

SEC. 6. It shall be the duty of the district attorney, upon application of the state dairy bureau or any city or county board of health to attend to the prosecution, in the name of the people, of any complaint entered for violation of any of the provisions of this act within his district.

SEC. 7. All acts, or parts of acts, inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force sixty days after its passage.

CHAPTER 217.

An act to convert, transfer and return to the general fund of the state treasury, all unexpended moneys heretofore appropriated for the care, management or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove" or any money which may be or hereafter come into the Yosemite Valley and Mariposa Big Tree Grove."

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Moneys
transferred
to general
fund.

SECTION 1. All unexpended moneys heretofore appropriated for the care, management or improvement of or for any other purpose with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the Yosemite Valley and Mariposa Big Tree Grove fund, or resulting from any law affecting said Yosemite Valley and Mariposa Big Tree Grove, are hereby converted, transferred and returned to the general fund of the state treasury.

SEC. 2. This act shall take effect immediately.

CHAPTER 218.

An act to repeal an act entitled "An act to provide for the management of the 'Yosemite Valley and the Mariposa Big Tree Grove,'" approved April 15th, 1880, and all acts amendatory thereof or supplementary thereto.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repeal of
act.

SECTION 1. An act entitled "An act to provide for the management of the 'Yosemite Valley and the Mariposa Big Tree Grove.'" approved April 15th, 1880, and all acts amendatory thereof or supplementary thereto, are hereby repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 219.

An act to repeal sections 357, 3584, 3585 and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 357, 3584, 3585 and 3586 of the Political Code are hereby repealed.

Political Code sections repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 220.

An act to amend the Penal Code of California by adding four new sections thereto, to be numbered section 597a, section 597b, section 597c, and section 597d, relating to docking of horses' tails, and providing a punishment therefor.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered section 597a, as follows:

597a. It shall be unlawful for any person or persons to dock the tail of any horse, within the State of California, or to procure the same to be done, or to import or bring into this state, any docked horse, or horses, or to drive, work, use, race or deal in any unregistered docked horse, or horses, within the State of California except as provided in section five hundred and ninety-seven *d* of this code.

Docking tails of horses.

SEC. 2. A new section is hereby added to the Penal Code to be numbered section 597b, as follows:

597b. Within thirty days after the passage of this act, every owner, or user of any docked horse, within the State of California, shall register his or her docked horse, or horses by filing in the office of the county clerk of the county in which such docked horse, or horses, may then be kept, a certificate, which certificate shall contain the name, or names of the owner, together with his or her postoffice address, a full description of the color, age, size and the use made of such docked horse, or horses; which certificate shall be signed by the owner, or his, or her agent. The county clerk shall number such certificate consecutively and record the name in a book, or register to be kept for that purpose only; and shall receive as

Registration of docked horses.

County clerk to keep record.

a fee for recording of such certificate, the sum of fifty cents, and the clerk shall thereupon issue to such person so registering such horse or horses a certificate containing the facts recited in this section which upon demand shall be exhibited to any peace officer, and the same shall be conclusive evidence of a compliance with the provisions of section 597a of this code.

SEC. 3. A new section is hereby added to the Penal Code to be numbered section 597c, as follows:

Evidence.

597c. The driving, working, keeping, racing or using of any unregistered docked horse, or horses, after sixty days after the passage of this act, shall be deemed prima facie evidence of the fact that the party driving, working, keeping, racing or using such unregistered docked horse, or horses, docked the tail of such horse or horses.

SEC. 4. A new section is hereby added to the Penal Code to be numbered section 597d, as follows:

Violation a misdemeanor.

Certain stock excepted.

597d. Any person or persons violating any of the provisions of this act, shall be deemed guilty of a misdemeanor; *provided, however,* that the provisions of sections 597a, 597b, and 597c, shall not be applied to persons owning or possessing any docked pure-bred stallions and mares imported from foreign countries for breeding or exhibition purposes only, as provided by an act of congress entitled "An act regulating the importation of breeding animals" and approved March 3, 1903, and to docked native bred stallions and mares brought into this state and used for breeding or exhibition purposes only; *and provided further,* that a description of each such animal so brought into the state, together with the date of importation and name and address of importer, be filed with the county clerk of the county where such animal is kept, within thirty days after the importation of such animal.

CHAPTER 221.

An act to repeal section thirty-nine hundred and seventy-seven of the Political Code, to add a new section thereto to be known as section thirty-nine hundred and seventy-five b, and to amend sections thirty-nine hundred and seventy-six, thirty-nine hundred and eighty-one and thirty-nine hundred and eighty-five thereof, all relating to county seats and proceedings for the change thereof.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section to be known as section thirty-nine hundred and seventy-five b is hereby added to the Political Code, to read as follows:

3975b. The county seats of the respective counties of the state, as now fixed by law, are hereby recognized as, and declared to be, the county seats of the respective counties. County seats.

SEC. 2. Section thirty-nine hundred and seventy-six of the Political Code is hereby amended to read as follows:

3976. Whenever there shall be presented to the board of supervisors of any county a petition signed by the qualified electors of such county in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat of such county, it shall be the duty of such board, by due proclamation, to submit the question of such removal thereof to the qualified electors of such county at the next general election. Question of removal.

SEC. 3. Section thirty-nine hundred and seventy-seven of the Political Code is hereby repealed. Repealed.

SEC. 4. Section thirty-nine hundred and eighty-one of the Political Code is hereby amended to read as follows:

3981. When the returns have been received and compared, and the results ascertained by the board, if two-thirds of the qualified voters of the county voting on the proposition shall vote in favor of removal, and in favor of any particular place, the board shall so declare on its minutes, and give notice of the result by posting notices thereof in all the election precincts of the county. Notice of result of election.

SEC. 5. Section thirty-nine hundred and eighty-five of the Political Code is hereby amended to read as follows:

3985. When the county seat of a county has been once removed by a popular vote of the county, it may be again removed from time to time, in the manner provided by this chapter; but no election must be ordered to affect any such subsequent removal, unless a petition praying for an election is signed by qualified electors of the county, equal in number to at least three-fourths of all the votes cast at the next preceding general election. Subsequent removals.

CHAPTER 222.

An act to amend section one hundred and nine of the Penal Code, relating to assisting prisoners, paroled prisoners and escapes to escape.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

109. Any person who willfully assists any paroled prisoner whose parole has been revoked, any escape, any prisoner confined in any prison or jail, or any inmate of any public train- Assisting prisoners to escape.

ing school or reformatory, or any person in the lawful custody of any officer or person, to escape, or in an attempt to escape from such prison or jail, or public training school or reformatory, or custody, is punishable as provided in section one hundred and eight of the Penal Code.

SEC. 2. This act shall take effect immediately.

CHAPTER 223.

An act to amend section eight hundred and six of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to recorder's courts and giving the city justice's court jurisdiction and power over all records, registers, dockets, books, papers, causes, actions and proceedings lodged, deposited or pending before the recorder's court."

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eight hundred and six of said act is hereby amended so as to read as follows:

Recorder's
court
(cities of
5th class).

Section 806. A recorder's court is hereby established in such city, to be held by the recorder of such city; *provided*, that the provisions of this section as to the establishment of the recorder's courts and recorders in such city shall not apply to any such city in which a city justice's court or a city justice of the peace is now or may hereafter be established, and any recorder's court now existing in any such last mentioned city is hereby abolished. The justice of the peace of any city wherein said recorder's court shall have been abolished or which may hereafter be abolished is the successor of the recorder of such city whose court has been abolished as aforesaid; and all records, registers, dockets, books, papers, causes, actions, and proceedings lodged, deposited, or pending before said recorder's court or before the recorder of said city, are transferred to the justice's court of said city, which shall have the same power and jurisdiction over them as if they had been in the first instance lodged, deposited, filed, or commenced therein. Said recorder's court shall have jurisdiction, concurrently with the justice's courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of such city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty, or for-

Jurisdic-
tion.

feiture prescribed for the breach of any ordinance of such city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court, in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of such city is over fifty dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said recorder's court shall be the same as are or may be prescribed by law for justices' courts in like cases, and appeals may be taken to the superior court of the county in which such city may be situated, from all judgments of said recorder's court in like manner and with a like effect as in cases of appeals from justices' courts.

Rules of
practice

SEC. 2. This act shall take effect from and after the date of its passage.

CHAPTER 224.

An act to amend an act entitled "An act to regulate the work and hours of employes engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions and providing a penalty for the violation thereof," approved February 28, 1905.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to regulate the work and hours of employes engaged in selling retail drugs and medicines, and compounding physicians' prescriptions and providing a penalty for the violation thereof," approved February 28th, 1905, is hereby amended by adding thereto a new section to be known and numbered section five.

SEC. 2. As a measure for the protection of public health, no person employed by any person, firm or corporation, shall for more than an average of ten hours a day or sixty hours a week of six consecutive calendar days perform the work of selling drugs or other medicines, or compounding physicians' prescriptions, in any store, establishment or place of business, where and in which drugs or medicines are sold at retail, and where and in which physicians' prescriptions are compounded; *provided* that the answering of and attending to emergency calls shall not be construed as a violation of this act.

Hours of
labor
for drug
clerks.

SEC. 3. No person, firm or corporation employing another person to do work which consists wholly or in part of selling, at retail, drugs or medicines, or of compounding physicians' prescriptions, in any store, or establishment or place of business where or in which medicines are sold and where and in

More than
ten hours
not to be
permitted.

which physicians' prescriptions are compounded shall require or permit said employed person to perform such work for more than average of ten hours a day, or sixty hours a week of six consecutive calendar days.

Penalty.

SEC. 4. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of 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.

Duty of
state
bureau of
labor.

SEC. 5. The commissioners of the state bureau of labor statistics are hereby authorized, directed and empowered to enforce the provisions of this act.

SEC. 6. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 225.

An act to add a new section to the Political Code to be numbered sixteen hundred and seventeen a, requiring that the United States flag shall be hoisted on all public school houses and displayed in each school room.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered section sixteen hundred and seventeen a as follows:

United
States flag
over school
houses.

1617a. Boards of school trustees in all school districts throughout the state and boards of education in all cities and counties throughout the state shall provide for each school house under their control, a suitable flag of the United States, which shall be hoisted above each school house during all school sessions. It shall be the duty of boards of school trustees and boards of education to enforce this provision. It shall also be the duty of such boards of school trustees and boards of education to provide smaller and suitable United States flags to be displayed in each school room at all times during the school sessions. It shall be the duty of such boards of trustees and boards of education to enforce this provision.

Also, in
school
rooms.

CHAPTER 226.

An act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety or description and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this act may be commenced.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person, persons, firm or corporation, acting either as principal or agent, to sell, to any person, persons, firm or corporation any fruit tree or fruit trees representing same to be of a certain kind, variety and description and thereafter to deliver to such purchaser in filling such order and in completing such sale a fruit tree or fruit trees of a different kind, variety or description than the kind, variety or description of such fruit tree or fruit trees so ordered and sold. Trees improperly represented.

SEC. 2. Any person violating any provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars, or by imprisonment in the county jail for not less than twenty days or more than six months, or by both fine and imprisonment. Penalty.

SEC. 3. Prosecutions under this act may be commenced at any time within seven years from the time of the delivery of such fruit tree or fruit trees mentioned in section one. Prosecutions.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 227.

An act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. New counties may, from time to time, be formed and created in this state from portions of one or more counties already in existence, in the manner set forth in this act; *provided however*, that no new counties shall be established which Creation of new counties.

Restric-
tions.

shall reduce any county to a population of less than twenty-five thousand, nor shall any new county be formed containing a less population than six thousand, nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided, and in every case where the county seat of the county sought to be divided is situated at or within the boundaries of any incorporated town or city, such county seat shall, for the purposes of this act, be held to include and to be coterminous with the territory included within the boundaries of the incorporated town or city whereat or wherein the county seat of the county sought to be divided is situated, as such boundaries are legally fixed and determined at a date of the filing of the petition or petitions referred to in section 2 of this act; nor shall any new county be formed which shall reduce to less than twelve hundred square miles the area of any existing county from which territory is taken to form such new county. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such county or counties from which such territory shall be taken, to be determined as hereinafter provided.

Existing
debts.

Petition to
board
of super-
visors.

SEC. 2. Whenever it is desired to divide any county or counties then existing, and form a new county out of a portion of the territory of such then existing county or counties, a petition shall be presented to the board of supervisors of the county from which said new county is to be formed, in case said county is to be formed from but one county, or to the board of supervisors of the county from which the largest area of territory is proposed to be taken for the formation of such new county in case said new county is to be formed from portions of two or more existing counties. Such petition shall be signed by at least one half of the qualified electors of the proposed new county, whose names appear on the great register or registers used at the general election held therein last preceding the presentation of said petition to the board of supervisors as herein provided; *provided*, that in cases where the proposed new county is to be formed from portions of two or more existing counties, separate petitions shall be presented from the territory taken from each county; and each of said separate petitions shall be signed by at least one half of the qualified electors of each of said proposed portions. Such signatures need not all be appended to one paper, but may be signed to several petitions which must be identical in form and when so signed the several petitions may be fastened together and shall be treated and presented as one petition. Such petition or petitions shall contain:

Number
of signers
required.

What
petition
shall
contain.

A particular description of the boundaries of the proposed new county to be formed; and a statement that no line thereof passes within five miles of the county seat of any county proposed to be divided;

A statement of the population in such proposed county, as near as may be;

A statement of the population remaining in the county or each of the counties from which such new county is to be established, as near as may be;

A statement of the area in square miles which will remain in the county or counties from which territory is taken to form such new county, after such new county is formed;

The name of the proposed new county;

A prayer that such proposed new county be organized into a new county under the provisions of this act.

There shall be attached to and filed with said petition or petitions the affidavit of three qualified electors and taxpayers within each county sought to be divided to the effect that they have read said petition and examined the signatures affixed thereto, and they believe that the statements therein are true, and that it is signed by at least one half of the qualified electors of the proposed new county, or of the proposed portion thereof taken from each existing county, where the proposed new county is to be formed from portions of two or more existing counties; that the signatures affixed thereto are genuine, and that each of such persons so signing was a qualified elector of such county therein sought to be divided, at the date of such signing.

Affidavit to
petition.

Such petition or petitions so verified and the verification thereof shall be accepted in all proceedings permitted or provided for in this act, as prima facie evidence of the truth of the matters and facts therein set forth.

Verified
petition
prima facie
true.

Upon the filing of such petition or petitions and affidavit with the clerk of the said board of supervisors said board shall forthwith fix a date to hear the proof of the said petitioners and of any opponents thereto, which date must not be less than thirty nor more than forty days, subsequent to the filing of such petition with the clerk of said board.

Date of
hearing.

Said board of supervisors shall also at the same time designate a newspaper of general circulation published in the old county or each of the old counties, but not within the proposed new county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if there be such, in which the said board shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

Publica-
tion
of notice.

NOTICE.

Notice is hereby given that a petition has been presented to the board of supervisors of _____ county (naming the county represented by the board of supervisors with which said petition was filed) praying for the formation of a new county out of a portion of the said _____ county and _____ county (naming the county or counties out of which it is proposed to form the new county), and that said petition will be heard by the said board of supervisors at its place of meeting (designating the city or town and the day and hour of the

Form of
notice.

meeting so to be held) when and where all persons interested therein may appear and oppose the granting of said petition and make any objection thereto.

Dated _____

By order of the board of supervisors
of _____ county.

By _____, Chairman.

Attest: _____, County Clerk.

Bond of
petitioners.

Said petitioners shall on or before the date fixed for said hearing, or on or before the date to which said hearing may have been adjourned, file with said board of supervisors a bond to be approved by said board, in such amount as the said board shall designate, but not exceeding five thousand dollars, payable to the county in which said petition is filed, conditioned that the obligors named in said bond will pay to said county all expenses incurred in the proceedings and election provided for in this act, not exceeding the amount specified in said bond, in the event that at the election herein provided for more than thirty-five per cent of the votes cast at said election are "For the new county of _____ (naming the proposed new county) No."

Hearing,
and what
super-
visors shall
determine.

At the time so fixed for said hearing the board of supervisors shall proceed to hear the petitioners and any opponents, and may adjourn such hearing from time to time, not exceeding fourteen days in all, and shall receive the proofs offered to establish or controvert the facts set forth in said petition, or petitions and on the final hearing of such petition or petitions said board shall by resolution entered on its minutes determine:

1st. The boundaries of the proposed new county, and the boundaries so determined by said board of supervisors shall be the boundaries of such proposed new county if it be created as herein provided.

2d. Whether the said petition contains the genuine signatures of at least one half of the qualified electors of the proposed new county as herein required, or, in cases where separate petitions are presented from portions of two or more existing counties, as herein required, whether each petition is signed by at least one half of the qualified electors of that portion of each of such existing counties which it is proposed to take into the proposed new county.

3d. Whether the establishing of the proposed new county will reduce the population of any county proposed to be divided to less than twenty-five thousand.

4th. Whether the proposed new county will contain a population of at least six thousand.

5th. Whether any line of the proposed new county passes within five miles of the county seat of any county proposed to be divided.

6th. Whether the area of any existing county from which territory is taken to form such new county will be reduced to

less than twelve hundred square miles by taking the territory proposed to be taken therefrom to form such new county.

7th. The class to which said proposed new county after its creation, shall belong, and the name of said proposed new county as herein provided.

In determining the population of the proposed new county and the population remaining in any county proposed to be divided, after such division, the board of supervisors shall assume that such population is five times the number of names of qualified electors recorded on the great register at the date when said petition is filed in each of the counties proposed to be divided, as residents in the territory of which the population is required to be determined.

Determining population.

On the final hearing said board of supervisors must, upon petition of not less than fifty per cent of the qualified electors of any territory lying within said proposed new county and contiguous to the boundary line thereof, and lying entirely within a single old county, and described in said petition, asking that said territory be not included within the proposed new county, make such changes in the proposed boundaries as will exclude such territory from such new county, and shall establish and define such boundaries; *provided* that any changes made by said board shall not reduce the population of the proposed new county to less than six thousand; petitions for exclusion shall be disposed of in the order in point of time in which they are filed with the clerk of the board of supervisors, and on final determination of boundaries no changes in the boundaries originally proposed shall be made except as prayed for in said petition or petitions or to correct clerical errors or uncertainties.

Board may reduce proposed boundaries.

Petitions for exclusion.

SEC. 3. If the said board of supervisors determines that the formation of said proposed new county will not reduce the population of any county proposed to be divided to less than 25,000 nor the area thereof to less than 1200 square miles, and that the proposed new county contains a population of at least 6,000, and that no line of said proposed new county passes within five miles of the county seat of any county proposed to be divided, and that said petition contains the genuine signatures of at least one half of the qualified electors of the proposed new county or in cases where separate petitions are presented from portions of two or more existing counties, as herein required, that each of said petitions contain the genuine signatures of at least one half of the qualified electors of that portion of the proposed new county from which it is taken, then said board of supervisors shall divide the proposed new county into a convenient number of judicial townships, road and school districts and define their boundaries and designate the names of such districts, and each of them; they shall also divide the proposed new county into five supervisorial districts to contain as nearly as practicable an equal population, and number said districts; they shall also, if necessary for the purposes of the election hereinafter provided for, change the boundaries of the election precincts in

Determination of supervisors.

Division of proposed new county into townships, etc.

said old county or counties to make the same conform to the boundaries of the proposed new county; *provided* that the boundary lines of no such precinct shall extend beyond the boundary lines of the existing county in which it is located and from which the territory is proposed to be taken; and said board shall appoint the election officers to act at said election and to be paid by said board. Within two weeks after its determination of the truth of the allegations of said petition as aforesaid the said board of supervisors shall order, and give proclamation and notice of, an election to be held on a specified day in the territory which is proposed to be taken for the new county, not less than twenty-five nor more than forty days thereafter, for the purpose of determining whether such territory shall be established and organized into a new county, and for the election of officers and locating of a county seat therefor in case the vote at such election shall be in favor of the establishment and organization of such new county.

Election
proclama-
tion.

Who
entitled to
vote.

All qualified electors resident within the proposed new county who are qualified electors of the county or counties from which territory is taken to form such proposed new county, and who have been such resident qualified electors twenty-five days prior to the date of said election, shall be entitled to vote at said election. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in the State of California.

Publica-
tion of
notice of
election.

Such proclamation and notice of election shall be published at least once a week for three weeks before holding of such election, in some newspaper of general circulation published in the territory which is proposed to be taken for the new county and a copy thereof shall be mailed immediately by the county clerk of the county in which the petition is filed to the county clerk of each county from which territory is taken for the proposed new county. Such proclamation and notice shall require the voters to cast ballots which shall contain the words "For the new county of (giving the name of the proposed new county) Yes," and "For the new county of (giving the name of the proposed new county) No," and each voter desiring to vote for the establishment and organization of said new county shall stamp a cross (X) opposite the words "For the new county of ——— Yes," in the manner now required by law in other elections, and each voter desiring to vote against the establishment and organization of said new county shall mark a cross (X) opposite the words "For the new county of ——— No," in the manner now required by law in other elections; and shall also contain the names of persons to be voted for to fill the various elective offices designated in said proclamation for counties of the class to which said proposed county will belong, as determined by the board of supervisors as herein directed and in the manner provided by law, except as herein otherwise provided, and also shall have printed thereon the words "For county seat" with a

Ballots.

Officers
to be
voted for.

County
seat.

blank space left below said words and the voter shall write his choice for county seat in said space and the name so written shall be counted as the choice of the voter for such county seat, whether a cross (X) shall be marked after said name or not or whether said name be written in ink or pencil.

The proclamation calling the election and the notice thereof provided for in this act shall be made and given exclusively by the board of supervisors with which is filed the said petition for the formation and establishment of such new county and such board shall cause the clerk of said county to furnish to the officers of each precinct in such proposed new county all ballots, poll lists, tally lists, registers for voters' signatures, ballot boxes and other election supplies and equipment necessary to conduct such election and which are not hereinafter specifically directed to be furnished by the clerk of another county or counties.

Election supplies.

Such election shall be governed and controlled by the general election laws of the state so far as the same shall be applicable, except as herein otherwise provided.

Conduct of election.

The county clerk of each county from which territory is taken for the proposed new county shall five days before the date of such election furnish to each board of election within said proposed new county the book of affidavits of registration for the precincts of such proposed new county as are within their respective counties, and the copies of indexes thereof required by law, containing the names of all persons who were qualified electors therein up to twenty-five days before the date of such election. All returns of election herein provided for shall be made to the board of supervisors calling such election.

Registers for election officers.

All certificates of nomination of candidates for the offices required to be filed at said election shall be filed with the county clerk of the county represented by the board of supervisors calling said election, not less than ten days next before the date of such election.

Certificates of nomination.

The provision of the election laws relating to preparation, printing and distribution of sample ballots and the provisions of said laws relating to primary elections in this state shall have no application to any election provided for in this act.

Sample ballots.

SEC. 4. If upon the canvass of the votes cast at such election it appears that sixty-five per cent of the votes cast where the proposed new county is formed from one existing county or that sixty-five per cent of the votes cast in the territory taken from each county, where the proposed new county is formed from two or more existing counties, are "For the new county of _____ (naming it) Yes," the board of supervisors shall by a resolution entered upon its minutes declare such territory duly formed and created as a county of this state, of the class to which the same shall belong, under the name of _____ county (naming it), and that the place (naming it) receiving the highest number of votes cast at said election for county seat shall be the county seat of said county until removed in the manner provided by law, and designating and

Canvass of returns.

Declaration of board of supervisors.

declaring the persons receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such offices, and prescribing the amount in which such officers must execute official bonds, where official bonds are required by law. Said board shall forthwith cause a copy of its said resolution duly certified, to be filed in the office of the secretary of state, and from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties, as herein required. The clerk of the board of supervisors with which said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated to be elected, a certificate of election authenticated by his signature and the seal of said board of supervisors. All the officers elected at said election or appointed under this act shall hold their offices until the time provided by general law for the election and qualification of such officers in this state and until their successors are elected and qualified and for the purpose of determining the term of office of such officers, the years said officers are to hold office, are to be computed respectively from and including the first Monday after the first day of January following the last preceding general election.

Certificate to be filed with secretary of state.

Certificate of election.

Proceedings cease if proposition be lost.

If, however, upon such canvass it appears that more than thirty-five per cent of the votes cast at said election where the proposed new county is formed from one existing county or that thirty-five per cent of the votes in the territory taken from any county, where the proposed new county is formed from two or more existing counties, are "For the new county of _____ (naming it) No," the said board of supervisors shall pass a resolution in accordance therewith and thereupon the proceedings relating to the division of such county or counties shall cease and determine and no other proceedings in relation to the division of said county or counties shall be instituted for at least one year after such determination.

Officers of new county.

SEC. 5. At the election provided for in section three of this act there shall be chosen one judge of the superior court of said new county whose salary shall be \$3,000 per annum, payable at the same time and in the same manner as salaries of the judges of the superior court of the several counties of the state are paid; also such other county, township, and district officers as are now or may hereafter by general law be provided for in counties of the class to which said new county is determined to belong as herein provided; *provided, however,* that all duly elected, qualified and acting supervisors residing within the proposed new county at the time of the division of such county into supervisorial districts as hereinbefore in section 3 hereof provided, shall hold office of supervisors in said new county for the remainder of the term for which they were elected on qualifying as supervisors for the respective

Supervisors.

districts in which they reside, as said districts are organized as provided in this act.

Provided also, that all duly elected, qualified, and acting justices of the peace and constables residing within the proposed new county at the time of the division of such county into judicial townships as hereinbefore in section 3 hereof provided, shall hold office as such justices of the peace or constables in said county for the remainder of the term for which they were elected on qualifying as justices of the peace or constables for the respective townships in which they reside, when said townships are organized as provided in this act; *also provided*, that all duly elected, qualified and acting school trustees residing within the proposed new county at the time of the division of such county into school districts as hereinbefore in section 3 hereof provided shall hold office as school trustees in said new county for the remainder of the term for which they were elected on qualifying as school trustees for the respective districts in which they reside as said districts are organized as provided by this act.

Each person elected or appointed to fill an office of such new county under the provisions of this act shall qualify in the manner provided by law for such officers, except as herein otherwise provided and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. Each of such officers may take the oath of office before any officer authorized by the law of the State of California to administer oaths and the bond of any officer from which a bond is required shall be approved by any judge of the superior court of any county from which territory was taken to form such new county. The officers elected or appointed under the provisions of this act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected in counties of the class to which such new county shall have been determined to belong as herein provided under the general classification of counties in this state.

SEC. 6. If by reason of the provisions of section 5 of this act, any vacancies in the offices of supervisors, justices of the peace, constables or school trustees are created in the old county or counties, the vacancies shall be filled, as is now provided by general laws, for the unexpired terms of such officers respectively; and the board of supervisors of such old county shall redistrict the territory remaining therein into supervisorial districts and in any of such districts in which none of the remaining supervisors reside the office of supervisor shall be deemed to be vacant and supervisors for such district shall be appointed as by general law provided.

SEC. 7. It shall be the duty of the persons elected to or continuing to hold the office of supervisors of said new county to meet at the county seat thereof within five days after all of them shall have qualified, and upon organization of said board of supervisors, it shall notify the governor of the state of the organization of said county, and thereupon it shall be the

Justices
and
constables.

School
trustees.

Bond and
oath of
office.

Duties of
new
officers.

Vacancies
in office,
old county.

Supervisors
to
notify
governor.

Governor to appoint commissioners.

duty of the governor to appoint three persons, one of whom shall be a resident and taxpayer within the new county, and no two of whom shall be from any one county; the three persons so appointed shall form and be a board of commissioners. Such commissioners shall within ten days after the notice of their appointment, meet at the county seat of the new county and organize by electing from their number a chairman, and also elect a secretary who must not be a member of said commission. Thereafter such commission may meet at such place or places as it may select. A majority of said commissioners shall constitute a quorum for the transaction of business. Said commission shall have power to compel by citation or subpoena signed by their president and secretary the attendance of such persons and the production of such books and papers before said commission as may be required in the performance of the duties imposed by this act except that the official records of any county or counties from which said new county was formed shall in no case be taken from the county seat of said county. It shall be the duty of the sheriff of any county to execute in his county all lawful orders and citations of the said commission; and for any services so performed the sheriff shall be allowed the same fees as are allowed to him for services in civil actions and all witnesses attending before said commission shall be entitled to the same compensation and mileage as is allowed to witnesses in civil actions; *provided*, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making such service to tender to such witness his fees and mileage in advance.

Powers of commission.

Sheriff to execute orders.

General duties of board of commissioners.

SEC. 8. Said board of commissioners shall immediately after its organization ascertain the costs of the election held hereunder and apportion the same equally between each of the counties from which territory was taken to form such new county, and said new county, and shall also ascertain the indebtedness of each county from which territory was taken to form the new county, as the same existed at the time when the result of the election thereon was declared by the board of supervisors as hereinbefore provided, and also the total value of all property at that time belonging to each of said counties from which territory was taken, and situate within the limits of said old counties respectively. It shall also ascertain the assessed value of all property in each of the original old counties from which territory was so taken, according to the last completed assessment made for said county, and also the assessed value, under the same assessment, of all property within the territory of the new county which shall have been taken from the old county or counties from which said new county was formed. They shall then find the difference between the amount of the indebtedness of the old county and the value of the property belonging to the old county at the date of the declaration of the result of said election as herein-

before provided, and if such indebtedness exceeds the value of such property belonging to the old county, the new county shall pay to the old county a due proportion thereof, to be determined as follows: As said assessed value of the property in the old county is to the said assessed value of the property in the territory provided by this act to be incorporated within the new county from said old county, so is the amount of said excess to the amount to be paid by said new county to said old county. Said board of commissioners shall certify forthwith to the boards of supervisors of the new county and the old counties thereby affected, the amount constituting the due proportion of said excess payable by such new county to each of them; also the value of any property belonging to each old county at the time when said division took effect as hereinbefore provided, which is situated in the new county. The sum of said ascertained value of said last mentioned property added to the ascertained proportion of said excess which the new county is to pay to the old county, and its proportion of the expense of said election as aforesaid, shall be an indebtedness from the new county to the old county, and the said property situated as aforesaid in the new county, shall upon settlement therefor, as provided in this act, become the property of the new county, and the old county shall pay the entire indebtedness against it, and the expense of said election shall be paid by the county calling such election, and any other county affected thereby shall pay its proportion thereof as hereinbefore provided.

Indebtedness of old county, how apportioned.

Indebtedness of new to old county.

The proceedings in this section required to be taken in the ascertainment and adjustment of property rights and debts shall be had and taken as between said new county and each of the counties from which territory is taken to form said new county in the manner and at the ratio in said section provided. If upon the settlement between the old and the new county as herein provided for, the new county shall be found to be indebted to the old county or either of the old counties, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in said new county and said new county shall pay the same; *provided, however*, that such payment by said new county may be made in not more than three equal annual payments, or by funds to be derived from the sale of bonds of said new county, as may be determined by a resolution of the board of supervisors of said new county adopted within one year after the receipt of the statement from the board of commissioners as aforesaid of the amount or amounts due from it.

How debt may be paid.

SEC. 9. Members of the board of commissioners provided for under this act shall receive a compensation of not to exceed \$8 per day for every day they are actually employed under the provisions of this act, together with their actual expenses incurred in the performance of their duties, and the clerk of said board shall receive as compensation for his services not to exceed \$5 per day for every day that he is actually employed

Compensation of commissioners.

Expenses,
how
payable.

under the provisions of this act, all of which expenses, together with the reasonable expenses of stationery, postage; and incidental expenses shall be borne in equal proportions by the counties affected by such division including said new county, and the amounts payable by each county shall be paid by the treasurers of the respective counties after the same shall have been presented to and allowed by the board of supervisors as is provided by law for claims against any county.

General
duties of
officers of
new
county.

SEC. 10. After the creation of a new county as herein provided its officers shall proceed to complete all proceedings necessary for the assessment or collection of the state and county taxes for the then current year and all acts and steps theretofore taken by the officers of the old county or counties prior to the creation of the new county shall be deemed and taken as having been performed by the officers of the new county for the benefit of the new county; and upon the creation of the new county it shall be the duty of the officers of the old county or counties to immediately execute and deliver to the board of supervisors of such new county copies of all assessments or other proceedings relative to the assessment and collection of the current state and county taxes of property in such new county. Such copies shall be filed with the respective officers of the new county who would have the custody of the same if the proceeding had been originally had in the new county and such certified copies shall be taken and deemed as originals, and original proceedings in the new county, and all proceedings therein recited shall be taken and deemed as original proceedings in the new county, and shall have the same effect as if the proceedings therein stated had been had at the proper time and in the proper manner by the respective officials of the new county, and the officials of the new county are hereby authorized and directed to proceed thenceforth with the assessment and collection of said taxes as if the proceedings originally had in the old county or counties had been originally had in the new county.

Copies
of assess-
ments.

Duty
of superin-
tendent
of schools.

SEC. 11. The superintendent of public schools of the old county or each of the old counties respectively shall furnish the superintendent of public schools of the new county with a certified copy of the last school census of the different school districts in the territory set apart to form the new county, and draw his warrant on the treasurer of his county in favor of the treasurer in the new county, for all the money that is or may be due by any apportionment or otherwise to the different school districts embraced in the new county, from his county and the auditor of each old county shall in like manner respectively draw his warrant on the treasurer of his county in favor of the treasurer of the new county for all money that is or may be due by apportionment or otherwise to the different road and supervisorial or district funds, in the territory set apart to form the new county, from his county, which said amounts shall be properly credited in both counties. And whenever in the formation of a new county,

Duty
of auditor.

a road, supervisorial or school district has been divided the board of supervisors shall by resolution direct the treasurer to transfer the proper proportionate amount of the money remaining in the fund of such district to the treasurer of the new county.

Transfer
of moneys.

SEC. 12. The board of supervisors of any new county formed as aforesaid must provide suitable books and have transcribed from the records of the old county or counties all such parts thereof as relate to or affect property or the title thereof situate in the new county, and said records when so transcribed and certified as herein provided shall have the same force and effect as such original records; and the compensation for said services shall be fixed and allowed by the board of supervisors of such new county at not to exceed eight cents per folio for transcribing. The recorder of the old county or counties shall compare the books of such transcripts and attach to each volume a certificate under his seal of office of the correctness of the records therein copied, for which service of comparing he shall be entitled to charge not to exceed two cents per folio, and for each certificate a sum not to exceed twenty-five cents.

Books and
records.

Certificate
of recorder.

SEC. 13. All actions pending in the superior court of the old county or counties for the recovery of the possession of, quieting the title to or for the enforcement of liens upon, real estate lying in the new county shall on motion of any party thereto be transferred to the superior court of the new county, and thereafter shall be subject to the same laws as if said action had been originally brought in the superior court of the new county. All other actions or special proceeding pending in the superior court or courts of said old county or counties, which might have been commenced in said new county if said new county had been in existence at the date of the commencing thereof, may in the discretion of the court in which it is pending and on motion of any party interested therein, be transferred to the superior court of such new county.

Transfer
of actions.

SEC. 14. Wherever in this act publication of any notice is provided for and no newspaper of general circulation is published within the territory in which said notice is required to be published, notice shall be given by posting copies of such notice in at least ten public places in such territory for the same length of time said notice was required to be published.

Posting
notices.

SEC. 15. The territory within the limits of any new county until otherwise provided by law shall constitute and continue a part of the assembly and senatorial districts to which the same belonged prior to such county division.

Assembly
and
senatorial
districts.

SEC. 16. The notaries public of the old county who are residents of the territory embraced in the new county at the date of its creation shall hold their offices until the expiration of their terms and shall be re-commissioned as notaries public in and for the new county until the expiration of their terms and the governor shall from time to time appoint such addi-

Notaries
public.

tional notaries public for the new county as he may deem requisite.

Penalty for violation of act.

SEC. 17. Any member of any board of supervisors or any other officer who violates any of the provisions of this act, or fails to perform any duty imposed upon him hereunder, shall be guilty of a misdemeanor and of malfeasance in office and be deprived of his office by the decree of a court of competent jurisdiction after trial and conviction.

SEC. 18. All acts or parts of acts which are in conflict herewith are hereby repealed.

SEC. 19. This act shall take effect immediately.

CHAPTER 228.

An act to amend an act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act, approved March 20, 1903.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Voting machines.

SECTION 1. Section 10 of an act entitled an act to amend an act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this act, approved March 20, 1903, is hereby amended to read as follows:

Time allowed to vote.

Section 10. After the opening of the polls, the inspectors shall not allow any voter to pass within the guard-rail until they ascertain that he is duly entitled to vote. The operation of voting by an elector while voting shall be secret and obscured from all other persons except as provided in cases of voting by assisted electors. No voter shall remain within the voting or ballot machine booth longer than two minutes, and if he shall refuse to leave it after the lapse of two minutes he may be removed by the inspectors. No vote cast in the independent or blank column shall be counted for a person whose name is printed upon the ballot or face of the machine as a candidate for the same office for which he is voted in the independent or blank column.

Votes in blank column.

SEC. 2. This act shall take effect immediately.

CHAPTER 229.

An act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of seven thousand five hundred dollars, to be used by the trustees of the Preston School of Industry for the repair and improvement of the pipe line and water system at said school. Pipe line for Preston School of Industry, appropriation.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. All plans, descriptions, bills of material, specification and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive a sanction of a majority of the board of trustees of the Preston School of Industry; who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this act shall be exempt from the provisions of any other act or acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned, and the directions herein shall be exempt from the provisions of an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 23d, 1876. All bills for improvements, repairs and constructions shall first be audited by the board of trustees of the Preston School of Industry and be approved by the state board of examiners before being paid. Plans to be approved by trustees.

Exempt from contract law.

SEC. 4. This act shall take effect July 1st, 1907.

CHAPTER 230.

An act to amend an act entitled "An act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirteen hundred and twenty-two of the Penal Code of the State of California, is hereby amended so as to read as follows:

Husband
and wife,
when
competent
witnesses.

1322. Neither husband nor wife is a competent witness for or against the other in a criminal action or proceeding to which one or both are parties, except with the consent of both, or in cases of criminal violence upon one by the other, or in cases of criminal actions or proceedings brought under the provisions of sections 270 and 270a of this code, or in cases of criminal actions or proceedings for bigamy or adultery.

CHAPTER 231.

An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Recording
tracts of
sub-
divided
land.

SECTION 1. Whenever any tract or subdivision of land shall be laid out into lots for the purpose of sale, the owner or owners thereof shall cause to be made out and filed with the county recorder of the county in which the same is situated, an accurate map or plat thereof on cloth particularly setting forth and describing:

Particular
descrip-
tion.

First: All parcels of ground within such tract or subdivision offered for dedication for public uses, whether they be intended for public highways, parks, courts, commons or other public uses, and their dimensions and boundaries and the courses of their boundary lines.

Second: All lots intended for sale, or reserved for private purposes and not offered for dedication to the public use, either by number or letter, and their dimensions and boundaries and the courses of their boundary lines. All parcels of land offered for dedication as public highways and not accepted by the proper authorities upon presentation to them, shall also be designated by number or letter.

Third: The exact location of such tract or subdivision of land into lots with reference to adjacent subdivisions of land into lots; the maps or plats of which have been previously recorded, if any, or if none, then with reference to corners of a United States survey, or to some natural or artificial monument.

SEC. 2. Every such map or plat shall be on cloth and be clearly and legibly drawn in all its details upon tracing cloth of good quality, or other equally durable material, and shall be not more than 36x36 inches in size, and if it occupies more than one sheet the sheets shall be numbered consecutively and each sheet shall contain a reference to the others showing where they connect with it. Size of map.

SEC. 3. Upon every such map or plat there shall be endorsed a consent to the making thereof, signed by the owner or owners of the tract or other subdivision of land shown thereon, and also by all other persons whose consent is necessary to pass a clear title to such land, and acknowledged by all the signers in the same manner as conveyances of real property; also a certificate from the county auditor, and from the auditor or other proper officer of any municipal corporation in which any part of such tract or other subdivision is situated, showing that there are no liens for unpaid state, county, municipal or other taxes, except taxes not yet payable, against said tract or subdivision of land or any part thereof. Upon every such map or plat which shows any parcels of land intended for public use and not previously dedicated therefor, there shall be endorsed a statement of the dedication of such parcels of ground intended for public use, executed by the owner or owners and by all other persons whose consent is necessary to pass a clear title to such parcels of ground to the public, and acknowledged by all persons executing the same in the same manner as conveyances of real property. Clear title must be shown.

SEC. 4. The map or plat so made, endorsed and acknowledged shall, if the same offers for dedication any highway, or portion thereof, be presented to the board of supervisors, board of trustees, city council or other governing body having control of public highways in the territory shown on such map or plat, and said governing body shall endorse thereon which of the public highways offered by said map or plat they accept on behalf of the public, and thereupon such highways as have been so accepted, and no others, shall be and become dedicated to the public use. Acceptance of public highways.

SEC. 5. Upon every such map or plat there shall be endorsed a name, title or designation, but no such tract or subdivision of land into lots shall be given any title, name or designation Name of plat to be endorsed on map.

that is the same as the name of any existing city, town, tract or subdivision of land into lots in the same county, of which the map or plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion as to the identity thereof. Whenever any map or plat required by this act to be made shall be presented to a county recorder for filing or recording, he shall examine the title, name or designation endorsed thereon and compare the same with the records in his office, and if he finds that said title, name or designation violates this section in any respect, he shall refuse to file or record such map or plat, whether the same be offered for record as a separate map or as a licensed surveyor's record, or as a part of any deed or other instrument.

Duty of recorder.

Recorder not to accept unauthorized dedication.

SEC. 6. No map or plat showing any public highways or portion of a public highway not already dedicated to the public use shall be accepted by the recorder for filing or recording, whether offered for record as a separate map or as a licensed surveyor's record or as a part of a deed or other instrument, unless the same shall have been presented and endorsed as required by section 4 of this act. No map or plat referred to in this act shall be accepted by the county recorder for filing or recording unless the same shall in all respects comply with the provisions of this act, and the recorder shall be entitled, before accepting or refusing such map or plat, to sufficient time to enable him to examine the same.

Book of maps.

SEC. 7. When any map or plat, referred to in this act is presented to the county recorder and is received and accepted by him, he shall paste or otherwise fasten the same securely in a book of maps which he shall keep in his office, and it shall be deemed to have been recorded and shall become a public record.

Sale of lots by reference to map.

SEC. 8. No person shall sell or offer for sale any lot or parcel of land, by reference to any map or plat, unless such map or plat has been made, certified, endorsed, acknowledged and filed in all respects as provided in this act, or was filed or recorded prior to the taking effect of this act and in accordance with the laws in force at the time it was so filed or recorded.

Penalty for violation of act.

SEC. 9. Every person who violates any of the provisions of this act is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than \$25, and not more than \$500, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

CHAPTER 232.

An act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five thousand dollars, to be used by the trustees of the Preston School of Industry, for the purchase of furniture and bedding for the use of and for repairs at said school. Furniture for Preston School of Industry, appropriation.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry, for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect July 1st, 1907.

CHAPTER 233.

An act to amend section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1693 of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

1693. When personal property remains in the hands of the agent unclaimed for a year, and it appears to the court that it is for the benefit of those interested, it shall be sold under the order of the court, and the proceeds after deducting the expenses of the sale, allowed by the court, must be paid into the county treasury. When the payment is made, the agent must take from the treasury duplicate receipts, one of which he must file in the office of the auditor, and the other in the court. Where any agent has money in his hands as such agent, and it appears to the court upon the settlement of his account as such agent that the balance remaining in his hands should be paid into the county treasury, the court may direct such payment and upon such agent filing the proper receipt showing such payment, the court shall enter an order discharging such agent and his sureties from all liability therefor.

Unclaimed estates, how disposed of.

CHAPTER 234.

An act to amend an act entitled "An act to amend an act entitled 'An act to create and establish a commission for revising, systematizing, and reforming the laws of this state, and for appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending section 6 thereof relating to the powers and duties of such commission, and by amending section 9 thereof, relating to the tenure of such commission.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Revision
and reform
of the law.

SECTION 1. Section six of an act entitled "An act to amend an act entitled 'An act to create and establish a commission for revising, systematizing, and reforming the laws of this state, and for the appointment of the members of said commission, to be known as "Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses therefor of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, is hereby amended to read as follows:

Duty of
com-
missioner.

Section 6. 1. It shall be the duty of said commissioner to revise and examine the parts of the Code of Civil Procedure, the Political Code, the Civil Code, and the Penal Code of the State of California, under the provisions of an act of which this act is amendatory; to note all decisions of the supreme court upon sections of the codes herein specified, and to present to the legislature, at each session, all sections of the codes which have been declared unconstitutional and have, for any reason, been declared by the supreme court as inoperative; and to suggest any such legislation as will remedy defects in existing laws by reason of decisions of the supreme court or otherwise; and to make and compile an index of all the laws of California.

To revise
statutes.

2. To revise and examine all the statutes of this state that have been or shall hereafter be passed by the legislature thereof and published by the state.

Statutes
in force.

3. He shall ascertain, determine, and designate, according to his best judgment, those statutes now in force, and those

expressly or by implication repealed, and report the same to the next legislature.

4. He shall note and designate the errors, defects, or omissions, verbal, grammatical, or otherwise, and suggest what will be necessary to supply, correct, or amend the same, and such improvements as shall introduce precision and clearness into the wording of the codes and statutes. Note errors.

5. All or any of the reports, and records of said commission shall be printed by the state printer, when so ordered and directed by said commissioner. Reports to be printed.

6. Said commissioner shall have the power to order the state printer to print and deliver to him such number as said commissioner may designate of any report or record of said commission.

7. Said commissioner shall attend at the capitol, during every session of the legislature, and act as legislative counsel or advisor, in drafting or passing upon the form of any bill, or proposed bill, pending or to be introduced before the legislature; and also, when requested, give advice to said legislature, or any committee thereof, as to the form of any proposed legislation, and its effect upon existing laws, and as to whether any bill, as drawn, is so constructed and worded as to carry out the purpose intended, and shall advise as to the constitutionality thereof. Act as legislative advisor.

8. Thirty days prior to every session of the legislature, said commissioner shall make and file with the secretary of state a report of his work relating to matters of legislation, or which would give any information or knowledge to said legislature as to legislation in the past, and as to the policy for future legislation. And he shall file schedules or exhibits, showing the form or substance of all proposed legislation which he may recommend. And he shall suggest all such improvements as shall conduce to precision and clearness in the wording of the codes and statutes, and propose such measures as may be necessary to improve or give unity and completeness to the system of the laws of this state. Said reports, schedules, and exhibits shall be printed by the state printer, upon the requisition and under the supervision of the commissioner. They shall be so printed as to show, in the readiest manner, the changes proposed by the commissioner, and in those cases wherein he shall recommend the repeal of a law, and propose a substitute therefor, such law and substitute shall be printed in the manner most convenient for the comparison; and his report, when so printed, shall be mailed to every member who has been elected to sit in such legislature. Report of work.

9. Said commissioner shall, at all such times as he may designate by rules and regulations which he may adopt, hear in public such arguments as may be addressed to him, for or against any proposed or existing legislation, and a record of all proceedings shall be kept and preserved by the secretary of said commission. Sug-
gestions.

SEC. 2. Section nine is hereby amended to read as follows: Duty of state printer.

Hearings.

Tenure of
com-
mission.

Section 9. The commission hereby created shall cease to exist and this act shall become inoperative on and after the 1st day of October, 1911.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect immediately.

CHAPTER 235.

An act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park in Sacramento City.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Memorial
building at
Sutter's
Fort.

SECTION 1. The "Sacramento Society of California Pioneers" is hereby granted permission to erect, at their own expense, upon the Sutter's Fort Park in Sacramento City, California, at some suitable place thereon to be agreed upon between said society and the Sutter's Fort Park trustees, a memorial building to the members of said association.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 236.

An act to amend sections three, four, nine, ten, thirteen, fourteen and fifteen of an act entitled "An act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act," approved March 18, 1905.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Vital
statistics

SECTION 1. Sections three, four, nine, ten, thirteen, fourteen and fifteen of an act entitled "An act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars,

coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act," approved March 18, 1905, are hereby amended to read as follows:

Section 3. That the recorder of each county and city and county, and the clerk of each city or incorporated town, shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided; *provided however*, that in cities having a freeholders' charter the health officer shall act as local registrar and perform all the duties thereof. Each local registrar shall immediately appoint in writing, a deputy who shall be authorized to act in his stead in case of absence, death, illness or disability, and when it may appear necessary for the convenience of the people in any registration district, the local registrar is hereby authorized with the approval of the state registrar of vital statistics to appoint one or more proper and competent persons to act as subregistrars, who shall be authorized to receive certificates of death and to issue burial permits or removal permits in and for such portions of the registration district as may be designated. Each subregistrar shall note in legible writing over his signature, the date each certificate of death was filed, and shall forthwith forward the certificate to the local registrar of the registration district, and in all cases before the fifth day of the following month; *provided*, that all subregistrars shall be subject to the supervision and control of the state registrar of vital statistics.

Section 4. That the body or remains of no person whose death occurs in the State shall be interred, deposited in a vault, grave or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district until a permit for burial, disinterment or removal shall have been properly issued by the registrar of the registration district in which the death occurs, except in the case where there are two or more registration districts within the same county, or where there are two contiguous registration districts not in the same county, a body may be removed from the registration district where the death occurred to another registration district within the same county, or contiguous registration districts in different counties, for the purpose of preparing said body for burial or shipment, *provided* that before such burial or shipment the undertaker, sexton or other person in charge shall have first secured a permit for the interment or removal of said body from the registrar of the registration district where the death occurred. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him, as hereinafter required; *provided* that in case of any death outside of the state, where the body is accompanied by a removal or transit permit issued in accordance with the law and the health regulations in force where the death occurred, such removal or transit permit shall be accepted as of the same authority as a permit from the local registrar when such removal or transit

Local registrars, who are.

Deputy local registrars.

Sub-registrars.

Burial permits.

Permit for removal of body.

When death occurs outside of state.

permit shall have indorsed thereon the written approval of the state registrar of vital statistics, or when said state registrar otherwise officially notifies the local registrar of his approval.

Local registrar to supply blanks.

Section 9. It shall be the duty of each local registrar to supply to any persons requiring them, blank forms of certificates prepared and furnished by the board of supervisors of the county. He shall carefully examine each certificate when presented for record to see that it has been made out in accordance with the provisions of this act, and the instructions of the state registrar, and if any certificate is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return and to withhold issuing the burial or removal permit until they are corrected. He shall then number them in consecutive order, beginning with number one for the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. If the certificate is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; *provided*, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under such conditions as may be prescribed by the state and local boards of health. He shall also make a complete and accurate copy of each certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the state registrar. He shall, on or before the fifth day of each month, transmit to the state registrar all original certificates registered by him during the preceding month. If no deaths occurred in any month he shall, on or before the fifth day in any month, report that fact to the state registrar in such manner as the state registrar shall direct.

Defects in returns.

Deaths from contagious diseases.

Wording of permit.

Section 10. If the interment or other disposition of the body is to be made in the registration district in which the death occurred, or in a contiguous registration district in the same or an adjoining county, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him as required by law, permission is granted to inter, remove or otherwise dispose of the body of the deceased, stating the name, age, sex, and cause of death and other necessary details upon the form prescribed by the state registrar. In case the interment or other disposition of the body is to be made in some registration district not contiguous to that in which the death occurred, a complete copy of the certificate of death shall be attached to and made a part of the removal permit issued by the registrar of the district in which the death occurred.

When facts are not correctly stated, duty of registrar.

Section 13. Whenever it may be alleged that the facts are not correctly stated in any certificate of death theretofore registered, the local registrar shall require an affidavit under oath to be made by the person asserting the fact, to be supported by

the affidavit of one other credible person having knowledge of the facts, setting forth the changes necessary to make the record correct. Having received such affidavits, the local registrar shall file them and shall then draw a line through the incorrect statement or statements in the certificate, without erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the affidavits, attached to the original certificate, when making his regular monthly returns to the state registrar. If the correction relates to a certificate previously returned to the state registrar, the local registrar shall transmit the affidavit forthwith to the state registrar. If the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall transmit a certified copy of the original certificate, corrected as above, to the local registrar, who shall thereupon substitute such certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, typewritten or printed.

Filing of affidavits.

Corrections in certificates.

Section 14. Each local registrar shall be entitled to be paid the sum of not exceeding twenty-five cents for each death certificate properly and completely made out and registered with him, and by him returned to the state registrar on or before the fifth day of the following month, which sum shall cover and include the making out of the burial permit and the copy of the certificate to be filed and preserved in his office. And in case no deaths were registered during any month, the local registrar shall be entitled to a sum not exceeding twenty-five cents for each report to that effect, promptly made in accordance with the directions of the state registrar: *provided, however*, that all such compensation for such services shall be fixed by the board of supervisors, city council, trustees or other governing body of such county, city and county, city or town, constituting such registration district.

Fee of local registrar.

Fees for reports.

All amounts payable to registrars under the provisions of this act shall be paid out of the funds provided by the supervisors, council, trustees, or other governing body of such county, city and county, city or town, constituting a primary registration district, upon warrants drawn by the local auditor or other proper local officer of such county, city and county, city or town, which warrants shall specify the number of certificates properly registered and also the number of reports promptly returned where no deaths are registered, with the amount claimed to be due for each: *provided, however*, that a warrant shall not be issued to any local registrar, or if issued shall not be paid, where notice is previously given by the state registrar to the auditor, treasurer or other proper officer of such county, city and county, city or town constituting such registration district, that the local registrar claiming any fee has failed to comply with the rules and regulations of the state bureau of vital statistics and the instructions of the state registrar.

Warrants for fees, how payable.

Fees of sub-registrars.

Each subregistrar shall be entitled to be paid the sum of not exceeding fifteen cents for each death certificate properly and

completely registered with him, and by him returned to the local registrar before the fifth day of the following month. All amounts payable to subregistrars shall be paid to them by the local registrars appointing them from the amounts received by the local registrars as hereinbefore provided.

Certified
copies
of record
of death,
fee for.

Section 15. The state registrar or local registrar shall, upon request, furnish any person a certified copy of the record of any death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant. And any such copy of the record of a death, when certified by the state registrar or local registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the state registrar or local registrar shall be entitled to a fee of fifty cents, to be paid by the applicant, for each hour or fractional part of an hour employed in such search. And the state registrar or local registrar shall keep a full and correct account of all fees received by him under these provisions and deposit such money with the state treasurer who shall credit the amount to the fund provided and to be used for the payment of the traveling and contingent expenses of the state board of health.

Search of
records,
fee for.

Account
of fees.

CHAPTER 237.

An act supplemental to an act entitled "An act concerning trespassing animals upon private lands in certain counties of the State of California," approved March seventh, eighteen hundred and seventy-eight, and to extend the provisions of said act to Sutter county.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Trespass-
ing
animals,
act applied
to Sutter
county.

SECTION 1. The provisions of an act entitled "An act concerning trespassing animals upon private lands in certain counties of the State of California," approved March seventh, eighteen hundred and seventy-eight, are hereby made applicable to, and from and after the passage of this act, the said provisions shall apply to and be in force in the county of Sutter, State of California.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 238.

An act to amend section four hundred and ninety-six of the Penal Code, relating to the buying or receiving of stolen property.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

496. Every person who for his own gain, or to prevent the owner from again possessing his property, buys or receives any personal property, knowing the same to have been stolen; or any person who having bought or received stolen personal property, who after having been informed that said property then in his possession is stolen property, and after a demand, in writing, for the delivery of same has been made upon him by the owner of said stolen property, or a peace officer, within three months after he bought or received the same, secretes said property, or gives, sells, conveys or transfers said stolen property to another person not entitled thereto, with intent to prevent the owner from again possessing his property, is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding six months, and it shall be presumptive evidence that such property was stolen, if the same was purchased or received from a person under the age of eighteen years, unless such property was sold by such minor at a fixed place of business carried on by such minor or his employer.

Buying or receiving stolen goods.

Presumptive evidence.

CHAPTER 239.

An act to amend sections 628, 628a, 628b, 632 and 634 of the Penal Code of the State of California, and to add to said Penal Code two new sections to be numbered 632½ and 632b respectively, all relating to the protection and preservation of fish.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 628 of the Penal Code of the State of California is hereby amended to read as follows:

628. Every person who, between the fifteenth day of February and the fifteenth day of September of each year, buys, sells, takes, catches, kills, or has in his possession, any lobster or crawfish; or who at any time has in his possession, any lobster or crawfish of less than eleven inches in length,

Protection of fish.

Close season.

Crawfish.

measured from one extremity to the other, exclusive of legs, claws, or feelers; or who, at any time, offers for shipment, ships, or receives for shipment or transportation, from the State of California to any place in any other state, territory or foreign country, any dried shrimp or shrimp shells of shrimp caught or taken in the waters of this state, is guilty of a misdemeanor; *provided*, that the possession of such dried shrimp or shrimp shells shall be prima facie evidence of the fact that such dried shrimp or shrimp shells are of shrimp which were caught or taken in the waters of this state; and

Shrimp.

Crab. every person who, between the first day of September and the first day of November of each year, buys, sells, takes, catches, kills, or has in his possession, any crab; or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any sturgeon, or fresh sturgeon eggs, or any female crab, or any crab which shall measure less than six inches across the back, or any abalones or abalone shells of the kind known to commerce as the black abalone (*Haliotis californica*), the shell of which shall measure less than twelve inches around the outer edge of the shell, or any other abalone shells, or abalones, the shell of which shall measure less than fifteen inches around the outer edge of the shell; or every person who takes, catches, kills, or has in his possession, any abalones or abalone shells taken from any of the waters of this state by the use of diving suits or diving paraphernalia of any kind, is guilty of a misdemeanor.

Sturgeon.

Abalones.

SEC. 2. Section 628a of the Penal Code of the State of California is hereby amended to read as follows:

Striped bass. **628a.** Every person who, at any time, buys, sells, offers for sale, or takes, catches, kills or has in his possession, any striped bass of less than three pounds in weight; or who, at any time, offers for shipment, ships or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any striped bass of less than three pounds in weight, caught or taken in the waters of this state, is guilty of a misdemeanor; *provided* that the possession of such striped bass shall be prima facie evidence of the fact that such striped bass were caught or taken in the waters of this state.

Export of bass.

SEC. 3. Section 628b of the Penal Code of the State of California is hereby amended to read as follows:

Black bass. **628b.** Every person who, between the first day of January and the first day of June of each year, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any black bass; or who, at any time, except with hook and line, takes, catches, or kills any black bass; or who takes, catches, kills, or has in his possession, more than fifty black bass during any one calendar day, is guilty of a misdemeanor.

Limit of catch.

SEC. 4. Section 632 of the Penal Code of the State of California is hereby amended to read as follows:

Trout. **632.** Every person who, between the fifteenth day of November in any year and the first day of May of the year following, buys, sells, takes, catches, kills, or has in his possession, any

variety of white fish or trout, except steelhead trout; or who, between the first day of April, 1907, and the first day of May, 1909, takes, catches, kills, or has in his possession any variety of golden trout; or who at any time buys, sells, or offers for sale any trout of less than one pound in weight; or who, at any time takes, catches or kills any trout, except with hook and line; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, more than fifty trout; or who at any time takes or catches any trout, steelhead trout or salmon of less than five inches in length, without at once returning the same to the water from which it was taken or caught; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, trout, other than steelhead trout, the total weight of which exceeds twenty-five pounds, is guilty of a misdemeanor. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days or be punished by both such fine and imprisonment; and all fines collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the "fish commission fund." Nothing in this section prohibits the United States fish commission and the fish commission of this state from taking at all times such trout as they deem necessary for purpose of propagation or for scientific purposes.

Limit of catch.

Penalty.

Disposition of fines.

SEC. 4½. A new section is hereby added to the Penal Code of the State of California, to be numbered 632½, to read as follows:

632½. Every person who, between the first day of February and the first day of April of any year, or who, between the seventeenth day of September and the twenty-third day of October of any year, buys, sells, takes, catches, kills, or has in his possession any steelhead trout, or who between the first day of April and the first day of May of any year, takes, catches, or kills, any steelhead trout above tide water, or who, at any time takes, catches or kills, any steelhead trout, except with hook and line, or has in his possession any steelhead trout which have been taken, caught or killed, except with hook and line; or who, at any time takes, catches, kills or has in his possession, during any one calendar day, more than fifty steelhead trout, is guilty of a misdemeanor. Every person who offers for shipment, ships, or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country, any steelhead or other trout caught or taken in the waters of this state, is guilty of a misdemeanor; *provided* that the possession of such steelhead or other trout shall be prima facie evidence of the fact that such steelhead or other trout were caught or taken in the waters of this state. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days or to be punished by both such fine and

Steelhead trout.

Limit of catch.

Export of trout.

Penalty.

Disposition of fines. imprisonment, and all fines collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the "fish commission fund." Nothing in this section prohibits the United States fish commission and the fish commission of this state from taking at all times such trout as they deem necessary for the purpose of propagation or for scientific purposes.

SEC. 5. A new section is hereby added to the Penal Code of the State of California to be numbered 632*b* to read as follows:

Sacramento perch.

632*b*. Every person who, at any time, prior to the first day of January, one thousand nine hundred and eleven, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any Sacramento perch, is guilty of a misdemeanor and is punishable by a fine of not less than twenty dollars or more than five hundred dollars, or by imprisonment in the county jail in the county in which the conviction is had, not less than twenty days or more than one hundred and fifty days, or be punished by both such fine and imprisonment, and all fines collected for any violation of the provisions of this section must be paid into the state treasury to the credit of the "fish commission fund."

Penalty.

SEC. 6. Section 634 of the Penal Code of the State of California is hereby amended to read as follows:

Fresh salmon.

634. Every person who between the seventeenth day of September and the twenty-third day of October of each year, takes, catches or kills, buys, sells, offers or exposes for sale, or has in his possession any fresh salmon; every person who, between the twenty-third day of October and the fifteenth day of November of each year, takes or catches any salmon above tide water; every person who shall set or draw, or assist in setting or drawing, any net or seine for the purpose of taking or catching salmon, 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; every person who, for the purpose of catching salmon, shad or striped bass, in any of the waters of this state, fishes with or uses any seine or net, dragnet, or paranzella, the meshes of which are, when drawn closely together and measured inside the knot, less than seven and one half inches in length, is guilty of a misdemeanor, and is punishable by a fine not less than two hundred dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred and fifty days, or by both such fine and imprisonment, and all fines imposed and collected for any violations of the provisions of this section shall be paid into the "fish commission fund." In

Nets and seines.

Penalty.

Limits of tide water.

the construction and meaning of this section, the limits of tide water in the Sacramento river shall be deemed to extend from its mouth to the city of Sacramento; in the San Joaquin river, from its mouth to the Southern Pacific railroad bridge near Lathrop, in San Joaquin county; in Eel river, in Humboldt county, from its mouth to East Ferry, above the town of Fortuna; in the Klamath river, to a point on the river north of the residence of James McGarvey; in Smith river, in Del Norte county, from its mouth to Higgins Ferry. Nothing in this

section shall prohibit the United States fish commission and the fish commission of this state, from taking, at all times, such fish as they deem necessary for the purpose of artificial hatching. It shall be no defense in a prosecution for the violations of any of the provisions of this section that the fish were caught or taken outside or within this state.

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect immediately.

CHAPTER 240.

An act appropriating money for the equipment of the trades building at the Preston School of Industry.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of three thousand dollars, to be used by the trustees of the Preston School of Industry for the equipment of the trades building at said school. Trades building at Preston School of Industry, appropriation.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section 1 of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect immediately.

CHAPTER 241.

An act to amend section sixty-nine of the Civil Code of California, relating to marriage licenses.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixty-nine of the Civil Code of California is hereby amended so as to read as follows:

69. All persons about to be joined in marriage must first obtain a license therefor, from the county clerk of the county in which the marriage is to be celebrated, which license must show: Marriage licenses.

1. The identity of the parties.
2. Their real and full names, and places of residence.
3. Their ages; and
4. Whether white, mongolian, negro or mulatto.

No license must be granted when either of the parties, applicants therefor, is an imbecile, or insane, or who at the time of making the application, or proofs herein required, for said license, is under the influence of any intoxicating liquor, or narcotic drug; no license must be issued authorizing the marriage of a white person with a negro, mulatto, or mongolian: If the male is under the age of twenty-one years, or the female is under the age of eighteen years, and such person has not been previously married, no license must be issued by the county clerk unless the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, is presented to him, duly verified by such parents, or parent, or guardian; and such consent must be filed by the clerk, and he must state such facts in the license. For the purpose of ascertaining all the facts mentioned or required in this section, the clerk, at the time the license is applied for, may, if he deems it necessary in order to satisfy himself as to matters in this section enumerated, examine the male applicant for a license on oath, which examination shall be reduced to writing by the clerk, and subscribed by him.

SEC. 2. This act shall be in force and take effect from and after its passage.

CHAPTER 242.

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, relating to the commissioner for the bureau of labor statistics, the compensation of the said commissioner, his deputy, his agents and assistants and making an appropriation therefor.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine of an act entitled "An act to establish and support a bureau of labor statistics" is hereby amended to read as follows:

Assistants
to labor
com-
missioner.

Section 9. The commissioner shall appoint a deputy who shall have the same powers as the said commissioner, and such agents or assistants, not exceeding six, as he may from time to time require, at such a rate of wages as he may prescribe, but said rate must not exceed four dollars per day, and actual traveling expenses for each person while so employed; he shall procure rooms necessary for offices, and at a rental not to exceed one hundred dollars per month.

SEC. 2. Section ten of an act entitled "An act to establish and support a bureau of labor statistics" is hereby amended to read as follows:

Section 10. The salary of the commissioner shall be three thousand dollars per annum, and the salary of the deputy commissioner shall be one thousand eight hundred dollars per annum, to be audited by the controller, and paid by the state treasurer, in the same manner as the other state officers are paid; there shall be allowed the sum of not to exceed nine thousand dollars per annum for the salaries of agents, or assistants, for traveling expenses, and for other contingent expenses of the said bureau of labor statistics.

SEC. 3. This act shall take effect immediately.

CHAPTER 243.

An act to repeal section 645 of the Penal Code relating to harboring deserting seamen.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six hundred and forty-five of the Penal Code is hereby repealed.

Sec. 645
Penal Code
repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 244.

An act to amend sections ten hundred and eighty-six, ten hundred and eighty-seven, ten hundred and eighty-eight, and ten hundred and eighty-nine of the Code of Civil Procedure, all relating to writs of mandate.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1086. The writ must be issued in all cases where there is not a plain, speedy, and adequate remedy, in the ordinary course of law. It must be issued upon the verified petition of the party beneficially interested.

Writ of
mandate,
when
to issue.

SEC. 2. Section ten hundred and eighty-seven of said code is hereby amended to read as follows:

1087. The writ may be either alternative or peremptory. The alternative writ must command the party to whom it is directed immediately after the receipt of the writ, or at some other specified time, to do the act required to be performed, or

Writ must
be either
alterna-
tive or per-
emptory.

to show cause before the court at a specified time and place why he has not done so. The peremptory writ must be in a similar form, except that the words requiring the party to show cause why he has not done as commanded must be omitted and a return day inserted.

SEC. 3. Section ten hundred and eighty-eight of said code is hereby amended to read as follows:

When applica-
tion
is made
without
notice.

1088. When the application to the court is made without notice to the adverse party, and the writ is allowed, the alternative must be first issued; but if the application is upon due notice and the writ is allowed, the peremptory may be issued in the first instance. With the alternative writ and also with any notice of an intention to apply for the writ, there must be served on each person against whom the writ is sought a copy of the petition. The notice of the application, when given, must be at least ten days. The writ cannot be granted by default. The case must be heard by the court, whether the adverse party appears or not.

SEC. 4. Section ten hundred and eighty-nine of said code is hereby amended to read as follows:

Adverse
party may
answer
under
oath.

1089. On the return of the alternative, or the day on which the application for the writ is noticed, the party on whom the writ or notice has been served may answer the petition under oath, in the same manner as an answer to a complaint in a civil action.

CHAPTER 245.

An act to amend section ten hundred and fifty-seven of the Code of Civil Procedure, relating to the justification of sureties.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten hundred and fifty-seven of the Code of Civil Procedure is hereby amended to read as follows:

Under-
takings,
requisites
of.

1057. In any case where an undertaking or bond is authorized or required by any law of this state, the officer taking the same must, except in the case of such a corporation as is mentioned in the next preceding section, require the sureties to accompany it with an affidavit that they are each residents and householders, or freeholders, within the state, and are each worth the sum specified in the undertaking or bond, over and above all their just debts and liabilities, exclusive of property exempt from execution; but when the amount specified in the undertaking or bond exceeds three thousand dollars, and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than the amount specified in the undertaking or bond, if the whole

amount is equivalent to that of two sufficient sureties. Any corporation such as is mentioned in the next preceding section, may become sole surety on such bond. No such corporation must be accepted in any case as a surety when its liabilities exceed its assets as ascertained in the manner provided in section ten hundred and fifty-six. Whenever an undertaking has been given and approved in any action or proceeding, and it is thereafter made to appear to the satisfaction of the court that any surety upon such undertaking has for any reason become insufficient, the court may, upon notice, order the giving of a new undertaking, with sufficient sureties, in lieu of such insufficient undertaking. In case such new undertaking so required shall not be given within the time required by such order, or in case the sureties thereon fail to justify thereon when required, all rights obtained by the filing of such original undertaking shall immediately cease.

Corporation
surety.

Insuffi-
cient
surety.

CHAPTER 246.

An act to amend section ten hundred and fifty-five of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

[Approved March 15, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten hundred and fifty-five of the Code of Civil Procedure is hereby amended to read as follows:

1055. If an action is brought against any officer or person for an act for the doing of which he had theretofore received any valid bond or covenant of indemnity, and he gives reasonable notice thereof in writing to the persons who executed such bond or covenant, and permits them to conduct the defense of such action, the judgment recovered therein is conclusive evidence against the persons so notified; and the court may, on motion of the defendant, upon notice of five days, and upon proof of such bond or covenant, and of such notice and permission, enter judgment against them for the amount so recovered and costs.

Action
against
officer for
official
acts.

CHAPTER 247.

An act to define the duties of and to license land surveyors, and to repeal an act entitled, "An act to define the duties of and to license land surveyors," approved March 31, 1891.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Require-
ments to
receive
license.

SECTION 1. Every person desiring to become a licensed land surveyor in this state must present to the state surveyor-general of this state a certificate that he is a person of good moral character; also a certificate signed by three licensed surveyors, which certificate shall set forth that the person named therein is, in the opinion of the person signing the same, a fit and competent person to receive a license as a land surveyor, together with his oath that he will support the constitution of this state and of the United States, and that he will faithfully discharge the duties of a licensed land surveyor, as defined in this act.

Surveyor-
general to
issue
license.

SEC. 2. Upon receipt of such certificate and oath by the state surveyor-general, it shall be his duty to forthwith issue to such applicant a license, which license shall set forth the fact that the applicant is a competent surveyor, or that he has had at least two years' experience in the field as a surveyor or assistant surveyor.

Contents.

SEC. 3. Such license shall contain the full name of the applicant; the technical institution from which he is a graduate (if he be a graduate), or if he is not a graduate, the fact must be stated in the license; his birthplace, age, and to whom issued; the names of the licensed surveyors upon whose certificate the license is issued, and the date of its issuance.

Lists to be
sent
to county
recorders.

SEC. 4. All papers received by the state surveyor-general on application for licenses shall be kept on file in his office, and a proper index and record thereof shall be kept by him, and a list of all licensed land surveyors shall be kept by him, and he shall monthly transmit to the county recorder of each county in this state a full and correct list of all persons so licensed; and it is hereby made the duty of such recorders to keep such lists in their offices in such way as they may be easily accessible to all persons.

Seal
of office.

SEC. 5. Every licensed surveyor shall have a seal of office, the impression of which must contain the name of the surveyor, his principal place of business, and the words "licensed surveyor"; and all maps and papers signed by him, and to which said seal has been attached, shall be prima facie evidence in all the courts of this state.

Term
of license.

SEC. 6. Surveyors' licenses issued in accordance with this act, shall remain in force until revoked for cause, as herein-after provided.

SEC. 7. Every licensed surveyor is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or lost corners; or if a corner or monument be found in a perishable condition, and it appears desirable that evidence concerning such corner or monument be perpetuated; or whenever the importance of the makes it desirable, to administer an oath, for the faithful performance of duty, to his assistants. A record of such oaths shall be preserved as part of the field-notes of the survey.

May
administer
oaths.

SEC. 8. Every licensed surveyor is hereby authorized to make surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each surveyor, whenever making any such surveys, except those relating to the retracing or subdivision of cemetery or town lots, whether the survey be made for private persons, corporations, cities, or counties, to set permanent and reliable monuments, and such monuments must be permanently marked with the initials of the surveyor setting them.

Duty of
surveyors.

SEC. 9. Within sixty days after a survey relating to the sale or subdivision of lands, the retracing or establishing of property and boundary lines, public roads or trails, original cemetery or town sites, and their subdivisions has been made by a licensed surveyor, he shall file with the recorder of the county in which such survey or any portion thereof lies, a record of survey. Such record shall be made in a good draughtsman-like manner, on one or more sheets of firm paper of the uniform size of twenty-one by thirty inches. This record of survey shall be either an original plat or a copy thereof, and must contain all the data necessary to enable any competent practical surveyor to retrace the survey. The record of survey must show: All permanent monuments set, describing their size, kind and location, with reference to the corners which they are intended to perpetuate; all bearing or witness trees marked in the field; complete outlines of the several tracts or parcels of land surveyed within courses, and lengths of boundary lines; the angles, as measured by Vernier readings, which the lines of blocks or lots, if the record relate to an original townsite survey, make with each other and with the center lines of adjacent streets, alleys, roads, or lanes; the variations of the magnetic needle with which old lines have been retraced; the scale of the map, the date of survey; a proper connection with one or more points of an original or larger tract of land, and the name of the same; the name of the grant or grants, or of the township and ranges, within which the survey is located; the signature and seal of the surveyor; *provided*, that nothing in this section shall require record to be made of surveys of a preliminary nature, where no monuments or corners are established.

Record of
surveys.

What
record
must show.

SEC. 10. The record of surveys thus filed with the county recorder of any county must be by him pasted into a stub book, provided for that purpose, and he must keep a proper

County
recorder
to index
records of
surveys.

index of such records, by name of owner, by name of surveyor, by name of grant, city, or town, and by United States subdivisions; and in all cases where such maps, plats, diagrams, or descriptions are filed by a state licensed land surveyor the county recorder shall make no charge for filing and indexing such records of surveys.

Revoca-
tion of
license.

SEC. 11. It shall be the duty of the county surveyor of each county, immediately on ascertaining that any licensed surveyor has failed to comply with the requirements of this act, to furnish the surveyor-general with satisfactory proofs of such fact. Upon receipt of such proofs, the state surveyor-general must revoke his license, and no other license shall be issued to him within one year from such revocation. A violation of section nine of this act shall be a misdemeanor, and any person convicted of such violation shall be punished by a fine not to exceed one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

Fees of
surveyor-
general.

SEC. 12. The surveyor-general shall receive a fee of ten dollars for each license, and five dollars for each duplicate license, issued by him; the fees so received to be paid into the state treasury to the credit of the general fund as provided in section thirty-five hundred and seventy-four of the Political Code.

Repeal of
prior acts.

SEC. 13. An act entitled "An act to define the duties of and to license land surveyors," approved March 31, 1891, and all other acts, and parts of acts, in conflict with this act, are hereby repealed.

SEC. 14. This act shall take effect immediately.

CHAPTER 248.

An act to amend sections thirteen hundred and forty-nine, thirteen hundred and fifty, and thirteen hundred and fifty-one of the Code of Civil Procedure, and to add a new section thereto to be numbered thirteen hundred and fifty a, all relating to letters testamentary and of administration with the will annexed.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

To whom
letters on
proved
will
to issue.

1349. If no objection is made as provided in section thirteen hundred and fifty-one, the court admitting a will to probate, after the same is proved and allowed, must issue letters thereon to the persons named therein as executors who are competent to discharge the trust, unless they or either of

them have renounced their right to letters. In the order, the court must ascertain and determine whether said estate is worth more or less than ten thousand dollars, which determination is conclusive for the purpose of giving notice to creditors, but for no other purpose.

SEC. 2. Section thirteen hundred and fifty of said code is hereby amended to read as follows:

1350. No person is competent to serve as executor who, at the time the will is admitted to probate, is:

Who incompetent as executor.

1. Under the age of majority;
2. Convicted of an infamous crime;
3. Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence, or want of understanding or integrity.

SEC. 3. A new section is hereby added to said code, to be numbered thirteen hundred and fifty *a*, and to read as follows:

1350*a*. If no executor is named in the will, or if the sole executor or all the executors therein named are dead, or incompetent, or renounce, or fail to apply for letters, or to appear and qualify, letters of administration with the will annexed must be issued as designated and provided for in granting of letters in case of intestacy.

When no executor is named in will.

SEC. 4. Section thirteen hundred and fifty-one of said code is hereby amended to read as follows:

1351. Any person interested in the estate or will may file objections in writing to granting letters testamentary to the persons named as executors or any of them, and the objections must be heard and determined by the court; a petition may, at the same time, be filed for letters of administration with the will annexed.

Interested parties may file objections.

CHAPTER 249.

An act to amend section thirteen hundred and seventy-one of the Code of Civil Procedure, relating to letters of administration.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1371. Petitions for letters of administration must be in writing, signed by the applicant or his counsel, and filed with the clerk of the court, stating the facts essential to give the court jurisdiction of the case, and when known to the applicant, he must state the names, ages, and residences of the heirs of the decedent, and the value and character of the property. If the jurisdictional facts exist, and are proved at the hearing but are not fully set forth in the petition, the decree or order of administration and subsequent proceedings are not void on account of such want of jurisdictional averments.

Petition for letters, how made.

CHAPTER 250.

An act to amend sections thirteen hundred and twenty-eight and thirteen hundred and twenty-nine of the Code of Civil Procedure, both relating to the contesting of wills after probate.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Citation to interested parties.

1328. Upon filing the petition, and within one year after such probate, a citation must be issued to the executor of the will, or to the administrator with the will annexed, and to all the legatees and devisees mentioned in the will, and heirs residing in the state, so far as known to the petitioner or to their guardians, if any of them are minors, or to their personal representatives, if any of them are dead, requiring them to appear before the court on some day therein specified, to show cause why the probate of the will should not be revoked.

SEC. 2. Section thirteen hundred and twenty-nine of said code is hereby amended to read as follows:

Trial of issues of fact.

1329. At the time appointed for showing cause, or at any time to which the hearing is postponed, proof having been made of service of the citation upon all of the persons named therein, the court must proceed to try the issues of fact joined in the same manner as an original contest of a will.

CHAPTER 251.

An act to amend section thirteen hundred and twenty-three of the Code of Civil Procedure, relating to the probate of foreign wills.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirteen hundred and twenty-three of the Code of Civil Procedure is hereby amended to read as follows:

Proceedings on production of foreign will.

1323. When a copy of the will, and the probate thereof, duly authenticated, shall be produced by the executor, or by any other person interested in the will, with a petition for letters, the same must be filed, and the clerk of the court must appoint a time for the hearing; notice whereof must be given as hereinbefore provided for an original petition for the probate of a will.

CHAPTER 252.

An act to amend section thirteen hundred of the Code of Civil Procedure, relating to proceedings for the probate of wills.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1300. A petition for the probate of a will must show

1. The jurisdictional facts;
2. Whether the person named as executor consents to act, or renounces his right to letters testamentary;
3. The names, ages, and residences of the heirs, legatees, and devisees of the decedent, so far as known to the petitioner;
4. The probable value and character of the property of the estate;
5. The name of the person for whom letters testamentary are prayed.

What
petition
for probate
of will
must show.

No defect of form or in the statement of jurisdictional facts actually existing, shall make void the probate of a will.

CHAPTER 253.

An act to repeal Title VIII of Part III of the Code of Civil Procedure and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said code, relating to escheated estates.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Title VIII of Part III of the Code of Civil Procedure and each and every section of said Title VIII are repealed, and a new Title VIII is substituted to take the place thereof in said code to read as follows:

TITLE VIII.

ESCHEATED ESTATES.

- Section 1269. Manner of commencing proceedings relative to.
1270. Receivers of rents and profits.
 1271. Appearance, pleadings, and judgment.
 1272. Proceedings after judgment by persons claiming escheated estates.

Escheated
estates.

1269. When the attorney-general is informed that any estate has escheated to this state, he must file an information, in behalf of the state, in the superior court of the county in which said estate, or any part thereof, is situate, setting forth a

Manner
of commencing
proceed-
ings.

- description of the estate, the name of the person last possessed thereof, and the person claiming the estate, if known, and the facts and circumstances in consequence of which the estate is claimed to have escheated, with an allegation that, by reason thereof, the State of California has right by law to such estate. Upon such information, a summons must issue to said claimant and possessor, requiring them to appear and answer the information within the time allowed by law in civil actions; and the court must make an order setting forth briefly the contents of the information, and requiring all persons interested in the estate to appear and show cause, if any they have, within forty days from the date of the order, why such estate should not vest in this state; which order must, prior to the expiration of such time, be published for at least one month, in a newspaper published in the county, if one is published therein, and in case no newspaper is published in the county, in some other newspaper in this state.
- Summons.**
- Order to show cause.**
- Receiver of income.** 1270. The court, upon the information being filed, and upon application of the attorney-general, either before or after answer, upon notice to the party claiming the estate, if known, may upon sufficient cause therefor being shown, appoint a receiver to take charge of such estate, or any part thereof, or to receive the rents, income and profits of the same until the title of such estate is finally settled.
- Appearance.** 1271. All persons named in the information may appear and answer, and traverse or deny the facts stated therein at any time before the time for answering expires, and any other person claiming an interest in such estate may appear and be made a defendant, by motion for that purpose in open court within the time allowed for answering, and if no such person appears and answers within the time, then judgment must be rendered that the state is the owner of the property in such information claimed. But if any person appears and denies the title set up by the state, or traverses any material fact set forth in the information, the issue of fact must be tried as issues of fact are tried in civil actions. If, after the issues are tried, it appears from the facts found or admitted that the state has good title to the property in the information mentioned, or any part thereof, judgment must be rendered that the state is the owner and entitled to the possession thereof, and that it recover costs of suit against the defendants who have appeared and answered. In any judgment rendered, or that has heretofore been rendered by any court, escheating property to the state, on motion of the attorney-general, the court must make an order that such property, unless it consists of money, be sold by the sheriff of the county where it is situate, at public sale, for gold coin, after giving notice of the time and place of sale, as may be prescribed by the court in such order; that the sheriff, within five days after such sale, make a report thereof to the court, and upon the hearing of such report, the court may examine the report and witnesses in relation thereto, and if the proceedings were unfair, or if the sum bid disproportionate to the value, or if it appears that
- Trial of issues.**
- Order of sale.**

a sum exceeding said bid, exclusive of the expense of a new sale, may be obtained, the court may vacate the sale, and direct another to be had, of which notice must be given, and the sale in all respects conducted as if no previous sale had taken place. If an offer greater in amount than that named in the report is made to the court in writing, by a responsible person, the court may, in its discretion, accept such offer and confirm the sale to such person, or order a new sale. If it appears to the court that the sale was legally made, and fairly conducted, and that the sum bid is not disproportionate to the value of the property sold, and that a sum exceeding such bid, exclusive of the expense of a new sale, cannot be obtained, or if the increased bid above mentioned is made and accepted by the court, the court must make an order confirming the sale, and directing the sheriff, in the name of the state, to execute to the purchaser or purchasers a conveyance of said property sold; and said conveyance vests in the purchaser or purchasers all the right and title of the state therein, and the sheriff must, out of the proceeds of such sale, pay the cost of said proceedings incurred on behalf of the state, including the expenses of making such sale, and also an attorney's fee, if additional counsel was employed in said proceedings, to be fixed by the court, not exceeding ten per cent on the amount of such sale, and the residue thereof must be paid by said sheriff into the state treasury.

New sale
may
be ordered.

Confirma-
tion
of sale.

1272. Within twenty years after judgment in any proceeding had under this title, a person not a party or privy to such proceeding may file a petition in the superior court of the county of Sacramento, showing his claim or right to the property, or the proceeds thereof. A copy of such petition must be served on the attorney-general at least twenty days before the hearing of the petition, who must answer the same; and the court thereupon must try the issue as issues are tried in civil actions, and if it is determined that such person is entitled to the property, or the proceeds thereof, it must order the property, if it has not been sold, to be delivered to him, or if it has been sold and the proceeds paid into the state treasury, then it must order the controller to draw his warrant on the treasury for the payment of the same, but without interest or cost to the state, a copy of which order, under the seal of the court, shall be a sufficient voucher for drawing such warrant. All persons who fail to appear and file their petitions within the time limited are forever barred; saving, however, to infants, and persons of unsound mind, the right to appear and file their petitions at any time within the time limited, or within five years after their respective disabilities cease.

Subse-
quent pro-
ceedings
by parties
claimant.

Limitation
of right
of action.

CHAPTER 254.

An act to amend sections twelve hundred and twenty-eight, twelve hundred and thirty, and twelve hundred and thirty-four of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Applica-
tion for
dissolu-
tion of
corpora-
tion, what
to contain.

1228. The application must be in writing, and must set forth:

1. That at a meeting of the stockholders or members called for that purpose, the dissolution of the corporation was resolved upon by a vote of two thirds of the members or of the holders of two thirds of the subscribed capital stock;

2. That all claims and demands against the corporation have been satisfied and discharged.

SEC. 2. Section twelve hundred and thirty of said code is hereby amended to read as follows:

Publica-
tion
of notice.

1230. Upon the filing of the application, the clerk must give notice of the same for such time as the court may order, but not less than thirty nor more than fifty days, by publication in some newspaper published in the county; or if there be no newspaper published therein, then by notices posted in three of the principal public places in the county.

SEC. 3. Section twelve hundred and thirty-four of said code is hereby amended to read as follows:

Unclaimed
deposits
in savings
associa-
tions,
proceed-
ings.

1234. If the applicant is a savings and loan association, or engaged in the business of receiving money on deposit, and there is any unclaimed deposit or dividend in its hands belonging to a person whose whereabouts are unknown to the trustees, directors, or other officers presenting the application, the application must set forth the name of the person making such deposit, or entitled to such dividend, the time when such deposit was made or dividend declared, the residence, if known, of such person at the time of such deposit, the amount of such deposit or dividend, and the fact that the whereabouts of such person are unknown. The same facts must be stated in the notice of the application given by the clerk. If, at any time before the expiration of the time of publication, any person files a claim to such deposit or dividend, the court must, at the hearing and upon five days' notice to him, hear and determine his claim, and, if such claim is established, order such money to be paid to him. All such deposits or dividends not so claimed, or as to which no claim shall be established, must, upon order of the court, be paid into the state treasury, accompanied with a copy of the order, which

Disposi-
tion of
unclaimed
deposits.

must set forth the facts hereinbefore required to be stated concerning such deposits or dividends; and, upon production of the treasurer's receipt for such payment, the court may proceed to declare the corporation dissolved as in other cases. All unclaimed deposits and dividends so paid into the state treasury must be received, invested, accounted for, and paid out, in the same manner and by the same officers as is provided by law in the case of escheated estates, and in section twelve hundred and seventy-two.

CHAPTER 255.

An act to amend sections twelve hundred and nine and twelve hundred and ten of the Code of Civil Procedure, both relating to contempts.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1209. The following acts or omissions in respect to a court of justice, or proceedings therein, are contempts of the authority of the court:

1. Disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to interrupt the due course of a trial or other judicial proceeding;

2. A breach of the peace, boisterous conduct, or violent disturbance, tending to interrupt the due course of a trial or other judicial proceeding;

3. Misbehavior in office, or other willful neglect or violation of duty by an attorney, counsel, clerk, sheriff, coroner, or other person, appointed or elected to perform a judicial or ministerial service;

4. Abuse of the process or proceedings of the court, or falsely pretending to act under authority of an order or process of the court;

5. Disobedience of any lawful judgment, order, or process of the court;

6. Assuming to be an officer, attorney, or counselor of a court, and acting as such, without authority;

7. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court;

8. Unlawfully detaining a witness, or party to an action, while going to, remaining at, or returning from the court where the action is on the calendar for trial;

9. Any other unlawful interference with the process or proceedings of a court;

What
acts or
omissions
are
contempts
of court.

10. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness;

11. When summoned as a juror in a court, neglecting to attend or serve as such, or improperly conversing with a party to an action, to be tried at such court, or with any other person, in relation to the merits of such action, or receiving a communication from a party or other person in respect to it, without immediately disclosing the same to the court;

12. Disobedience by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, or proceeding in an action or special proceeding contrary to law, after such action or special proceeding is removed from the jurisdiction of such inferior tribunal, magistrate, or officer;

13. Practicing law, or advertising or holding one's self out as practicing or as entitled to practice law, in any court, except a justice's or police court, without having received a license as attorney and counselor, issued under the laws of this state. But no speech or publication reflecting upon or concerning any court or any officer thereof shall be treated or punished as a contempt of such court unless made in the immediate presence of such court while in session and in such a manner as to actually interfere with its proceedings.

SEC. 2. Section twelve hundred and ten of said code is hereby amended to read as follows:

Reentry on
property
after
ejection,
when a
contempt.

1210. Every person dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, who, not having right so to do, reënters into or upon or takes possession of any such real property, or induces or procures any person not having right so to do, or aids or abets him therein, is guilty of a contempt of the court by which such judgment was rendered or from which such process issued. Upon a conviction for such contempt the court must immediately issue an alias process, directed to the proper officer, and requiring him to restore such possession to the party entitled under the original judgment or process, or to his lessee, grantee, or successor in interest, and no appeal from the order directing the issuance of an alias writ of possession stays the execution thereof, unless a written undertaking is executed on the part of the appellant, with two or more sureties to the effect that he will not commit or suffer to be committed any waste thereon, and if the order is affirmed, or the appeal dismissed, he will pay the value of the use and occupation of the property from the time of his unlawful reëntury until the delivery of the possession thereof, pursuant to the judgment or order, not exceeding a sum to be fixed by the judge of the court by which the order for the alias writ was made, and which must be specified in the undertaking.

CHAPTER 256.

An act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said code, relating to liens for salaries and wages.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter III of Title IV of Part III of the Code of Civil Procedure and each and every section of said Chapter III are repealed, and a new Chapter III is substituted to take the place thereof in said code to read as follows:

CHAPTER III.

CERTAIN LIENS FOR SALARY AND WAGES.

- Sec. 1204. Preferred creditors when assignment of property is made.
 Sec. 1205. Same against estates.
 Sec. 1206. Same in cases of execution or attachment.
 Sec. 1207. Dispute of claim, or some portion thereof—Costs.
 Sec. 1208. Distribution of proceeds where the entire claims cannot be paid.

1204. When any assignment, whether voluntary or involuntary, is made for the benefit of the creditors of the assignor, or results from any proceeding in insolvency commenced against him, the wages and salaries of miners, mechanics, salesmen, servants, clerks, laborers, and other persons, for services rendered for him within sixty days prior to such assignment, or to the commencement of such proceeding, and not exceeding one hundred dollars each, constitute preferred claims, and must be paid by the trustee or assignee before the claim of any other creditor of the assignor or insolvent.

Persons preferred on assignment of property.

1205. Upon the death of any employer, the wages, not exceeding one hundred dollars in amount, of each miner, mechanic, salesman, clerk, servant, laborer, or other employé, for work done or services rendered within sixty days prior to such death, must be paid before any other claim against the estate of such employer, except his funeral expenses, and expenses of the last sickness, the allowance to the widow and infant children, and the charges and expenses of administration.

Same against estates.

1206. Upon the levy of any attachment or execution, not founded upon a claim for labor, any miner, mechanic, salesman, servant, clerk, laborer, or other person who has performed work or rendered services for the defendant within sixty days prior to the levy, may file a verified statement of his claim therefor with the officer executing the writ, and give copies thereof to the debtor and the creditor, and such claim,

Same in case of execution or attachment.

not exceeding one hundred dollars, unless disputed, must be paid by such officer from the proceeds of such levy remaining in his hands at the filing of such statement. If any claim is disputed, within the time, and in the manner prescribed in section twelve hundred and seven, the claimant must within ten days thereafter commence an action for the recovery of his demand, which action must be prosecuted with due diligence, or his claim to priority of payment is forever barred. The officer must retain in his possession until the determination of such action so much of the proceeds of the writ as may be necessary to satisfy the claim, and if the claimant recovers judgment, the officer must pay the same, including the costs of suit, from such proceeds.

Dispute of claim, or some portion.

1207. Within five days after receiving a copy of the statement provided for in the preceding section, either the debtor or the creditor may file with the officer a verified statement denying that any part of such claim is due for services rendered within sixty days next preceding the levy of the writ, or denying that any part of such claim, beyond a sum specified, is so due. If a part of the claim is admitted to be due, and the claimant nevertheless brings suit and does not recover more than the amount so admitted, he cannot recover costs, but the costs must be adjudged against him, and the amount thereof deducted from the sum found due him.

Costs.

Distribution of proceeds.

1208. If the claims presented under section twelve hundred and six and not disputed, or, if disputed, established by judgment, exceed the proceeds of the writ not disposed of before their presentation, such proceeds must be distributed among the claimants in proportion to the amount of their respective claims.

CHAPTER 257.

An act to amend sections eleven hundred and sixty-six and eleven hundred and sixty-seven, of the Code of Civil Procedure, and to repeal section eleven hundred and seventy-five thereof, all relating to summary proceedings for obtaining possession of real property.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Complaint must be verified.

1166. The plaintiff, in his complaint, which shall be verified, must set forth the facts on which he seeks to recover, and describe the premises with reasonable certainty, and may set forth therein any circumstances of fraud, force, or violence which may have accompanied the alleged forcible entry or forcible or unlawful detainer, and claim damages therefor. In

case the unlawful detainer charged is after default in the payment of rent, the complaint must state the amount of such rent. Upon filing the complaint, a summons must be issued thereon.

SEC. 2. Section eleven hundred and sixty-seven of said code is hereby amended to read as follows:

1167. The summons must require the defendant to appear and answer within three days after the service of the summons upon him, and must notify him that if he fails to so appear and answer, the plaintiff will apply to the court for the relief demanded in the complaint. In all other respects the summons, or any alias summons in such proceedings, must be issued and served and returned in the same manner as summons in a civil action.

Summons,
form and
service of

SEC. 3. Section eleven hundred and seventy-five of said code is hereby repealed.

Repeal of
Section
1175.

CHAPTER 258.

An act to amend section fourteen hundred and seventeen of the Code of Civil Procedure, relating to special administrators and their powers and duties.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen hundred and seventeen of the Code of Civil Procedure is hereby amended to read as follows:

1417. The special administrator must render an account, on oath, of his proceedings in a like manner as other administrators are required to do. He is entitled to a reasonable compensation for his services, to be fixed by the court at the time of the settlement of his final account.

Special
adminis-
trator
to render
account.

CHAPTER 259.

An act to amend section fourteen hundred and twenty-three of the Code of Civil Procedure, relating to wills found after letters of administration granted.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen hundred and twenty-three of the Code of Civil Procedure is hereby amended to read as follows:

1423. Upon the admission to probate of a will after a grant of letters of administration on the ground of intestacy, or upon the admission to probate of a later will than the one

Pre-
existing
grant
of letters,
when
revoked.

before admitted to probate, the pre-existing grant of letters testamentary or of administration must be revoked, and the administrator or executor whose grant of authority is thus terminated must render an account of his administration within such time as the court may direct.

CHAPTER 260.

An act to amend sections fourteen hundred and thirty-one and fourteen hundred and thirty-two of the Code of Civil Procedure, both relating to transfers of administration.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen hundred and thirty-one of the Code of Civil Procedure is hereby amended to read as follows:

Proceedings when no judge qualified to act.

1431. When a petition is filed in the superior court, praying for admission to probate of a will, or for granting letters testamentary or of administration, or when proceedings are pending in the superior court for the settlement of an estate, and there is no judge of said court qualified to act, an order must be made transferring the proceedings to the superior court of an adjoining county, and the clerk of the court ordering the transfer must transmit to the clerk of the court to which the proceedings are ordered to be transferred a certified copy of the order and all papers on file in his office in the proceedings; and thereafter the court to which the proceeding is transferred shall exercise the same authority and jurisdiction over the estate, and all matters relating to the administration thereof, as if it had original jurisdiction of the estate; *provided*, there shall not be any necessity for transferring such proceedings, or any of them, when a judge of some other county qualified to act attends at the request of the judge of the county where such proceedings are pending, to hold court, to conduct and to try such proceedings; and such judge when so called upon to preside, shall exercise the same jurisdiction over any proceeding in the estate as is exercised in other cases under like circumstances.

Proviso.

SEC. 2. Section fourteen hundred and thirty-two of said code is hereby amended to read as follows:

Transfer not to change right to administer.

1432. The transfer of a proceeding from one court to another as provided for in the preceding section, shall not affect the right of any person to letters testamentary or of administration on the estate transferred, but the same persons are entitled to letters testamentary or of administration on the estate, in the order hereinbefore provided. If, before the administration is closed of any estate so transferred as herein

provided, another person is elected or appointed, and qualified as judge of the court wherein such proceeding was originally commenced, who is not disqualified to act in the settlement of the estate, and the causes for which the proceeding was transferred no longer exist, any person interested in the estate may have the proceeding returned to the court from which it was originally transferred, by filing a petition setting forth these facts, and moving the court therefor.

CHAPTER 261.

An act to amend sections fourteen hundred and thirty-six and fourteen hundred and thirty-seven of the Code of Civil Procedure, both relating to removal of executors and administrators.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1436. Whenever a judge of a superior court has reason to believe from his own knowledge, or from credible information, that any executor or administrator has wasted, embezzled, or mismanaged, or is about to waste or embezzle the property of the estate committed to his charge, or has committed or is about to commit a fraud upon the estate, or is incompetent to act, or has permanently removed from the state, or has wrongfully neglected the estate, or has long neglected to perform any act as such executor or administrator, he must, by an order entered upon the minutes of the court, direct such executor or administrator to be cited to appear and show cause why his letters should not be revoked, and may also suspend the powers of such executor or administrator, until the matter is investigated. Suspension of powers of executor.

SEC. 2. Section fourteen hundred and thirty-seven of said code is hereby amended to read as follows:

1437. If the executor or administrator fails to appear in obedience to the citation, or, if he appears, and the court is satisfied from the evidence, that there exists cause for his removal, his letters must be revoked. Revocation of letters.

CHAPTER 262.

An act to amend section fourteen hundred and forty-five of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of the decedents.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Oath of appraisers.

1445. Before proceeding to the execution of their duty; the appraisers must take and subscribe an oath, to be attached to the inventory, that they will truly, honestly, and impartially appraise the property exhibited to them, according to the best of their knowledge and ability. They must then proceed to estimate and appraise the property; each item of property must be set down separately, with the value thereof in dollars and cents, in figures, opposite the items respectively. The inventory must contain all the estate of the decedent, real and personal, a statement of all debts, bonds, mortgages, notes, and other securities for the payment of money belonging to the decedent, specifying the name of the debtor in each debt or security, the date, the sum originally payable, the indorsement thereon (if any), with their dates, and the sum which, in the judgment of the appraisers, may be collected on each debt or security; and a statement of the interest of the decedent in any partnership of which he was a member, to be appraised as a single item. The inventory must also show, so far as the same can be ascertained by the executor or administrator, what portion of the property is community property, and what portion is the separate property of the decedent.

Inventory.

CHAPTER 263.

An act to amend section fourteen hundred and fifty-two of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Executor entitled to possess all of estate of decedent.

1452. The executor or administrator is entitled to the possession of all the real and personal estate of the decedent, and to receive the rents and profits of the real estate until the estate is settled or until delivered over by the order of the

court to the heirs or devisees; and must keep in good tenantable repair all houses, buildings and fixtures thereon which are under his control. After the expiration of the time for the presentation of claims, he is not entitled to recover the possession of any property of the estate from any heir, who has succeeded to the property in his possession or from any devisee, or legatee, to whom the property has been devised or bequeathed, or from the assignee of any such heir, devisee, or legatee, unless he proves that the same is necessary for the payment of debts or legacies, or of expenses of administration already accrued, or for distribution to some other heir, devisee, or legatee entitled thereto. The heirs or devisees may themselves, or jointly with the executor or administrator, maintain an action for the possession of the real estate, or for the purpose of quieting title to the same, against any one except the executor or administrator; but this section shall not be so construed as requiring them so to do.

CHAPTER 264.

An act to add a new section to the Code of Civil Procedure, to be numbered fourteen hundred and fifty-four, relating to collection of deposits made by deceased persons in banks.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered fourteen hundred and fifty-four, to read as follows:

1454. The surviving husband or wife of any deceased person, or, if no husband or wife is living, then the children of such decedent, may, without procuring letters of administration, collect of any bank any sum which said deceased may have left on deposit in such bank at the time of his or her death; *provided*, such deposit shall not exceed the sum of five hundred dollars. Any bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife, as the case may be, or stating that decedent left no husband or wife, and that affiant is or affiants are the children of said decedent, and that the whole amount that decedent left on deposit in any and all banks of deposit in this state does not exceed the sum of five hundred dollars, may pay to said affiant or affiants any deposit of said decedent, if the same does not exceed the sum of five hundred dollars, and the receipt of such affiant is sufficient acquittance therefor.

Surviving heirs may collect money deposited in bank.

CHAPTER 265.

An act to amend sections fourteen hundred and fifty-eight, fourteen hundred and fifty-nine, and fourteen hundred and sixty of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Embezzling effects of a decedent.

1458. If any person embezzles, conceals, smuggles, or fraudulently disposes of any of the moneys, goods, chattels, or effects of a decedent, he is chargeable therewith, and liable to an action by the executor or administrator of the estate for double the value of the property so embezzled, concealed, smuggled, or fraudulently disposed of, to be recovered for the benefit of the estate.

SEC. 2. Section fourteen hundred and fifty-nine of said code is hereby amended to read as follows:

Citation to person suspected of embezzlement.

1459. If any executor, administrator, or other person interested in the estate of a decedent, complains to the superior court, or a judge thereof, on oath, that any person is suspected to have concealed, embezzled, smuggled, or fraudulently disposed of any moneys, goods, or chattels of the decedent, or has in his possession or knowledge any deeds, conveyances, bonds, contracts, or other writings, which contain evidences of or tend to disclose the right, title, interest, or claim of the decedent to any real or personal estate, or any claim or demand, or any lost will, the said court or judge may cite such person to appear before such court, and may examine him on oath upon the matter of such complaint. If such person is not in the county where the decedent died, or where letters have been granted, he may be cited and examined either before the superior court of the county where he is found, or before the superior court of the county where the decedent died, or where letters have been granted. But if he appears and is found innocent, his necessary expenses must be allowed him out of the estate.

SEC. 3. Section fourteen hundred and sixty of said code is hereby amended to read as follows:

Penalty for refusal to obey citation.

1460. If the person so cited refuses to appear and submit to an examination, or to answer such interrogatories as may be put to him, touching the matters of the complaint, the court may, by warrant for that purpose, commit him to the county jail, there to remain in close custody until he submits to the order of the court, or is discharged according to law. If, upon such examination, it appears that he has concealed, embezzled, smuggled, or fraudulently disposed of any moneys, goods, or

chattels of the decedent, or that he has in his possession or knowledge any deeds, conveyances, bonds, contracts, or other writings containing evidences of or tending to disclose the right, title, interest, or claim of the decedent to any real or personal estate, claim, or demand, or any lost will of the decedent, the court may make an order requiring such person to disclose his knowledge thereof to the executor or administrator, and may commit him to the county jail, there to remain until the order is complied with, or he is discharged according to law; and all such interrogatories and answers must be in writing, signed by the party examined, and filed in the court. In addition to the examination of the party, witnesses may be produced and examined on either side.

CHAPTER 266.

An act to amend section two hundred and twenty-six of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two hundred and twenty-six of said code is hereby amended to read as follows:

226. Any person desiring to adopt a child may, for that purpose, petition the superior court of the county in which the petitioner resides. The person adopting a child, and the child adopted, and the other persons, if within or residents of said county, whose consent is necessary, must appear before the court, and the necessary consent must thereupon be signed and an agreement executed by the person adopting, to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. If the persons whose consent is necessary are not within or are not residents of said county, then their written consent, duly proved or acknowledged, according to sections eleven hundred and eighty-two and eleven hundred and eighty-three, must be filed in said superior court at the time of the application for adoption.

Adoption
of
children,
proceed-
ings.

SEC. 2. This act shall take effect immediately.

CHAPTER 267.

An act to amend section ten of an act approved March 11th, eighteen hundred and ninety-seven, entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," as amended by an act approved March 20th, nineteen hundred and five, providing for the disposition of pension money belonging to deceased members.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Veterans' Home.

SECTION 1. Section ten of an act approved March 11th, eighteen hundred and ninety-seven, entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," as amended by an act approved March 20th, nineteen hundred and five, is hereby amended so as to read as follows:

Disposition of moneys received.

SECTION 10. All moneys received by the directors, or by any officer of the home, (except such as may be paid to them by the state for disbursement) including pension moneys belonging to the pensioners in the home, and all other trust moneys, shall be immediately paid over to the treasurer of the home. On or before the tenth day of each month the treasurer of the home shall forward to the state treasurer all moneys then in his possession, except pension moneys, and other trust funds, the post fund, and the moneys hereinafter referred to as subject to their direct disbursement and designated the "Emergency Fund," together with a statement of the source from which the same has been received. Said moneys shall be immediately deposited by the state treasurer to the credit of the fund hereinafter designated "Fund for the support and maintenance of the Veterans' Home of California." Any balance of pension money held by the board, or by its authority upon the death of the pensioner, or any moneys belonging to the members of the home, shall, upon their death, be held as a trust fund, to be paid by the board, directly and without probate, or by its order, to the widow, minor children or mother or father of the pensioner or member in the order named; and should no widow, minor child, or parent be discovered within one year from the time of the death of the pensioner, or of

Emergency fund.

Balance of pension money held as trust fund.

the member, said balance, or moneys, shall be paid to the post fund of the home, to be used for the common benefit of the members of the home under the direction of the board, subject to future reclamation by the relatives hereinbefore designated in the order named, upon application filed by the one entitled to the same within five years after the death of said pensioner, or member. All personal effects of deceased members of the home shall be held for the relatives above mentioned for a period of one year from the date of their death and if not claimed within said time shall be turned over to the commandant, or other officer in charge, who, on a day and hour to be fixed by him, and after posting notices of the same in three conspicuous places at the home, shall sell at public sale the said personal effects, the proceeds of which sale shall go to the post fund to be used for the common benefit of the members as hereinabove provided for pension and other moneys, and subject to future reclamation within the period of five years from the date of the death of the member as hereinbefore mentioned. The board of directors shall make proper rules and regulations to carry this into effect. *Provided however, that nothing in this act shall in any way conflict with the right of any member of the home to dispose of his property, including such pension moneys, by last will.*

Post fund.

Personal effects of deceased members.

Rules.

This act shall take effect and be in force on and after its passage.

CHAPTER 268.

An act to amend section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 224 of the Civil Code of California is amended to read as follows:

224. A legitimate child can not be adopted without the consent of its parents, if living; nor an illegitimate child without the consent of its mother, if living; except, that consent is not necessary from a father or mother deprived of civil rights or adjudged guilty of adultery or cruelty, and for either cause divorced, or adjudged to be habitually intemperate in the use of intoxicants, or who has been judicially deprived of the custody of the child on account of cruelty or neglect.

Adoption: consent of child's parents.

Neither is consent of any parent necessary in case of any abandoned child; *provided, however, that any such child, being a half-orphan, and kept and maintained in any orphan asylum in this state for more than two years, may be adopted, with*

Abandoned children, consent not necessary.

the consent of the manager of such orphan's home without the consent of the parent unless such parent has paid toward the expenses of maintenance of such half-orphan at least a reasonable sum during the said time, if able to do so. Any child deserted by both parents or left in the care and custody of another by its parent or parents, without any agreement or provision for its support, for the period of one year, is deemed to be an abandoned child within the meaning of this section and where the parent is a non-resident of this state such child may be adopted with the consent of the managers of such home whenever it has been left in such home for more than one year; or any abandoned child, within the meaning of this section, if left in the care and custody of another person for one year or more, may, with the consent of the district attorney of the county wherein the person applying to adopt such child is a resident, be adopted by such person.

CHAPTER 269.

An act to amend section 1774 of the Code of Civil Procedure of the State of California relating to the settlement of the final accounts of guardians of insane persons.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1774 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Settle-
ments of
guardians.

1774. The guardian must upon the expiration of a year from the time of his appointment and as often thereafter as he may be required, present his account to the court for settlement and allowance, *provided* that no final account of the guardian of any insane person, who is or has been during such guardianship confined in a state hospital in this state, shall be settled or allowed unless notice of the settlement of said account shall have been first given to the secretary of the state commission in lunacy.

CHAPTER 270.

An act to amend an act entitled, an act to provide for the formation of levee districts in the various counties of this state and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts, approved March 20, 1905.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act to provide for the formation of levee districts in the various counties of this state, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments, to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts, approved March 20, 1905, is hereby amended so as to read as follows:

SEC. 2. Whenever the board of supervisors of any county in this state shall receive a petition signed by a majority of the land owners within any portion of said county, accompanied by a deposit sufficient to cover the cost of publication of all notices required by sections two and three of this act, which said portion of said county shall be specifically described and set out by metes and bounds in said petition, asking that said portion of said county be set apart and erected into a levee district for the purpose of protecting the lands embraced in said portion of said county from overflow from any river, stream or streams, or water course, the board of supervisors shall pass a resolution signifying its intention to erect and set apart said portion of said county into a levee district, for the purpose of protecting the lands therein from overflow and describing the exterior boundaries of the district of lands embraced therein, and to be assessed to pay the damages, costs and expenses thereof. Such resolution shall also contain a notice to be published, which said notice shall be headed, "Notice of intention of the board of supervisors to form a levee district," and shall state the fact of the passage of such resolution, with the date thereof, the boundaries of the district, and the statement that it is proposed to assess all properties embraced within such proposed levee district for the purpose of paying the damages, costs and expenses of erecting and repairing dikes, levees and other improvements to protect the said lands from overflow, and the necessary expense of maintaining the said district and refer to the resolution for further

Petition to supervisors for formation of levee district.

Resolution of intention.

Publication of notice.

particulars. Such notice to be given by the board of supervisors and signed by its clerk. Petitions shall be heard in the order of filing.

Term
of publica-
tion.

SEC. 3. Such notice shall be published for a period of thirty days, in a newspaper published and circulated in said county and designated by said board of supervisors.

Objections
to forma-
tion of
district.

SEC. 4. Any person interested, objecting to the formation of such levee district or to the extent of the district of lands to be affected or benefited by erection or repair of such dikes, levees or other improvements to protect the same from overflow, and to be assessed to pay the costs and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the clerk of said board of supervisors, who shall indorse thereon the date of its reception by him, and at the next regular meeting of said board of supervisors or at an adjourned meeting or a special meeting called for that purpose, after the expiration of said ten days lay such objection before said board of supervisors. Said board shall then fix a time for hearing of said objections not less than fifteen days thereafter and direct its clerk to notify each person objecting of such day fixed for hearing, by depositing a notice thereof in the postoffice at the county seat of such county, postage prepaid addressed to such person objecting, which said notice shall be deposited in the post-office not less than ten days before the day set for hearing.

Time for
hearing.

Hearing.

SEC. 5. At the time specified or to which the hearing may be adjourned, the board of supervisors shall hear the objections urged and pass upon the same. Such board may, in its discretion sustain, in whole or in part, any or all of the objections made and filed, and must declare such levee district as petitioned for formed as a subdivision of such county, and shall designate such district by name as the "—— Levee District of —— County."

Declara-
tion
of super-
visors.

SEC. 6. If it shall appear to the satisfaction of the board of supervisors that it is the desire of a majority of the owners of land in such proposed district that the same should be erected into a levee district, and that it is just and proper, they may declare said territory a levee district for the above purposes, and record the same in a book to be kept for that purpose, giving the metes and bounds.

Notice of
election
of trustees.

SEC. 7. Within ten days after the board of supervisors have declared the territory a levee district and recorded the same as provided in section 5 of this act, the board of supervisors must give notice of an election to be held in the said district, for the election of three eligible persons, who shall be property owners in said district and, who shall constitute when elected and qualified, the board of trustees of the district for the management of the affairs thereof, and who shall hold office for two years next succeeding their election, and until their successors are elected and qualified. The notice calling such election shall not be less than one month, and at such election every qualified elector in said district whose

Who may
vote.

names shall appear on the last preceding assessment roll of the county and having been assessed on property within the boundaries of said district, shall be entitled to vote, and a majority of votes cast at such election shall elect. The board of supervisors must appoint a time and place for holding such election. The notice of such election shall be given by publication for not less than one month, in a newspaper in the county where such district is situated. For the purpose of such election the board of supervisors of the county in which said district is situated must appoint from the qualified electors and property owners of said district, one inspector and two judges of election for such district; but in case the board of supervisors fail to appoint, or the persons appointed, fail to attend at the time and place appointed for such election, the voters present at the time and place of opening the polls may appoint the board or supply the place of the absent member thereof. Each member of the board of election must before entering upon his duties, be sworn to faithful performance thereof by some officer authorized to administer oaths. The board of election must canvass the votes cast, and issue certificates of election to the persons elected, and must place the ballots when canvassed in an envelope, and forward the same sealed to the clerk of the board of supervisors. Any legally qualified voter may challenge any vote, and the board of election shall determine, by the oath of the parties or otherwise, as they may think proper, whether or not the person challenged is entitled to vote, and in case of challenge, either one of the board of election is hereby authorized to administer oaths. The polls shall be open from 10 A. M. until 4 P. M. In case of vacancy in the board of trustees, the board of supervisors shall by appointment fill such vacancy. Similar elections shall be held every two years from and after the date of the first election, and shall be called in the same way as the first election.

Publica-
tion
of notice.

Election
officers.

Canvass
of vote.

Vacancies
in board of
trustees.

SEC. 8. The board of trustees must keep an office in or near the district for the transaction of the business thereof, and the books, maps, papers, records, contracts and other documents pertaining to the affairs of the district must be open for inspection to any person interested at all times. From and after the election and qualification of said trustees said district shall be deemed organized and shall have power to sue or be sued. The board of trustees shall have power to elect one of its members president thereof, to employ engineers and others, to survey, plan, locate and estimate the cost of the works and improvements necessary, in the way of erection or repair of levees, dikes and other works for the benefit of said district; to thereafter and at any time in its discretion modify or change said original plan or plans, or to adopt any new supplemental or additional plan or plans, when in its judgment the same shall become necessary; to acquire by purchase, condemnation or otherwise, rights of way, and the right to take material for the construction of all works necessary for the accomplishment of the objects of the district including

Trustees
must keep
an office.

Powers of
trustees.

drains, levees and embankments, and to construct, maintain and keep in repair all works, requisite and necessary to that end; and to do all other acts and things necessary or required for the protection of the lands in said district from the overflow of any river, stream, streams or water course, and to employ the service of any person legal or otherwise which in the judgment of said board of trustees may be necessary to the welfare of the district. The said board of trustees shall each year estimate the total cost for all purposes of erecting, constructing or repairing levees, dikes or other works, and doing the necessary things for the protection of the lands and property within said district from the overflow of any river, stream, streams or water course, and maintain the same for one year, including all damages awarded to any person by reason of the erection or construction of any of said levees, dikes or other works for protection, and upon approval by a majority of the electors shall thereupon make a report of the foregoing matters to the board of supervisors in which said district is situated, showing the amount of money required by said district for all purposes for one year thereafter. Said estimate of moneys necessary for said district for each year, and said report shall be made to said board of supervisors by said board of trustees on or before the 1st day of September of each year after the formation of said district, and said estimate made as aforesaid and report to said board of supervisors by said board of trustees as hereinbefore set out, shall in each instance form the basis of the estimates of the board of supervisors for the amount of money required to be raised by assessment on the lands and personal property within such district for such year.

Yearly estimate of cost.

Report to supervisors.

Duty of county assessor.

SEC. 9. The county assessor of such county shall, on or before the 1st day of September of each year after the formation of such district, and at such other times as the board of supervisors shall require, furnish said board of supervisors with a detailed statement showing the names of all owners of land and personal property within the boundaries of said district and the assessed valuation of said lands, improvements thereon, and personal property, as shown on the last preceding assessment roll, made by such assessor on the property within said district.

Annual tax levy.

SEC. 10. At the time when by law it is the duty of the board of supervisors of such county to fix the annual tax rate of such county, the said board of supervisors taking as a basis the last previous estimate and report of said board of trustees of said district as hereinbefore specified, for the amount of money necessary to be raised in said district for the purposes thereof for that year, and the valuation of the lands and improvements thereon, and personal property within such district as furnished them by the county assessor, must levy a tax upon all taxable property in such levee district sufficient to raise the amount set forth in said estimate and report as made by said board of trustees.

The rate of taxation shall be ascertained by deducting twenty per cent for anticipated delinquency from the aggregate value of all the property in said district as shown by the statement prepared and furnished to said board of supervisors by the assessor as hereinbefore provided, and then dividing the amount necessary to be raised in said levee district by the remainder of such aggregate assessed value as shown in said statement as furnished by said assessor. The taxes so levied shall be computed and entered upon the assessment roll of the county by the county auditor and collected at the same time, and in the same manner as state and county taxes; and when collected shall be paid into the county treasury for the use of said levee district in which said taxes were levied. And all taxes so levied as hereinbefore provided shall be a lien upon the lands and property in said district, in the manner, and with the same effect, and collected in the same way, as are state and county taxes.

Rate of taxation, how ascertained.

SEC. 11. All moneys collected from such district for such taxes, and all moneys received from any source for the benefit of such district shall be by the county treasurer placed in a fund, to be called the "—— Levee District Fund"; and all payments of any of the expenses of the work or improvements or other expenses of such district shall be made upon warrants drawn by the county auditor upon such fund, and paid by said treasurer, and all claims as well for the land and improvements taken or damaged, as for the charges and expenses of said district, shall be paid on claims prepared in the manner required by law for the preparation of claims against the county and first presented to the board of trustees of said district, and be by them approved, and then to be presented and filed as are the claims against the county, and shall thereupon be paid as are the claims against the county, and upon the order of the board of supervisors, and the claims shall be itemized in the same manner as are the claims against the county.

Disposition of moneys collected.

Payment of claims.

SEC. 12. No levees, dikes or other works for the benefit of said district must be constructed or repaired except on the order of the board of trustees of said district and when such repair or construction will exceed the sum of \$500.00 the same must be repaired or constructed under a contract let, after reasonable notice given by the said board of trustees by publishing said notice at least once a week for two weeks in a newspaper published and circulated in said county and designated by said board of trustees. All bids shall be sealed and shall be opened at the time specified in the notice, and the contract awarded to the lowest responsible bidder. The board may however, reject any and all bids. The contract and bond for its performance must be entered into and approved by the board of trustees, except however in cases of great emergency, by the unanimous consent of the whole board of trustees they may proceed at once to replace or repair any and all levees, dikes or other works of whatever nature without notice. Prior to the publication of the notice of the letting of any contract for the erection or repair of dikes, levees or other

Construction must be by contract; exception.

Sealed bids.

Emergency work.

Plans and details.

works, the board of trustees must cause to be prepared by a competent engineer, plans and specifications and working details of such work, which said plans and specifications shall be adopted by the board of trustees and filed in the office of said board and shall be subject to inspection by any person for at least two weeks prior to the date of the letting of such contract. The board of trustees must appoint an engineer to supervise the construction, repair or other works to be done under such plans and specifications and no claim shall be allowed for any work done under any contract let under such plans and specifications without a certificate being first filed in the office of the board of trustees and in the office of the clerk of the board of supervisors of said county signed by said engineer, certifying that such work has been completed and constructed according to the plans and specifications and the terms of the contract. Such engineer shall be paid such compensation as may be agreed upon by the board of trustees and such compensation shall be paid in the same manner as are other claims against said district.

Supervising engineer.

When county may contribute to expenses.

SEC. 13. Whenever the board of supervisors of any county in which said district is situated shall consider that the construction or repair of dikes, levees or other works of said district along or upon any of the county roads of such county, will be for the mutual benefit of such district and such county, then in that event the said board of supervisors shall have power, and may contribute to the expense and cost of such work, such sums of money as they may deem proper on behalf of the county, and such moneys shall be paid out of either the general road fund or the special fund of any road district, in which said work is done, and as a majority of said board of supervisors may determine.

Bond of trustees.

SEC. 14. The board of trustees elected under this act shall serve without compensation, and shall each file a bond for the faithful performance of their duties in the sum of \$5000.00 said bond to be approved by the judge of the superior court of the county in which said district is situated.

Power to condemn land.

SEC. 15. The board of trustees shall have power, in the name of the district to condemn land, or other property, for the purpose of erecting levees, dikes and other improvements or obtaining material for the same for the purpose of protecting the lands embraced in said district from overflow, and for that purpose, all of the provisions of part 3, title 7 of the Code of Civil Procedure are hereby made applicable to exercise of the right of eminent domain for such purpose to the needs of such district.

Not to supersede other acts.

SEC. 16. This act is not intended to supersede or repeal any other act for the construction and maintenance of ditches, levees, dikes or works of protection or for drainage or for reclamation but is intended as an independent and alternative means of constructing and erecting such districts, levees, dikes or other works of protection where most applicable and desirable to the parties interested.

SEC. 17. This act shall take effect and be in force from and after its passage.

CHAPTER 271.

An act to amend section 1240 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1240 of the Code of Civil Procedure be and the same is hereby amended so as to read as follows:

1240. The private property which may be taken under this title includes: "Private property" defined.

1. All real property belonging to any person;

2. Lands belonging to this state, including tide and submerged lands, not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use;

3. Lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, except lands owned or held for light houses, postoffice or other government buildings, forts, arsenals, or other military purposes;

4. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated;

5. Franchises for toll-roads, toll-bridges, and ferries, and all other franchises; but such franchises shall not be taken unless for free highways, railroads, or other more necessary public use;

6. All rights of way for any and all the purposes mentioned in section twelve hundred and thirty-eight, and any and all structures and improvements thereon, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections, and connections shall be made in manner most compatible with the greatest public benefit and least private injury;

No railroad main track crossing, outside the limits of any incorporated town, city or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; and provided further that where any such crossing has Railroad main track crossings.
Separation of grades.

been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; and *provided further* that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any undergrade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situate in an action or proceeding brought by either party for that purpose.

7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law;

Proceedings to condemn.

8. Proceedings to condemn lands belonging to this state are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings the summons and a copy of the complaint must be served on the governor, attorney-general, and surveyor-general of this state;

Same as to lands of United States.

9. Proceedings to condemn any of said lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings, the summons and a copy of the complaint must be served on the United States district attorney for the district in which the land sought to be condemned is situated and also upon the United States surveyor-general for this state.

SEC. 2. This act shall take effect immediately.

CHAPTER 272.

An act to amend sections five hundred and twenty-five, five hundred and twenty-six, five hundred and twenty-seven, five hundred and twenty-nine, five hundred and thirty, five hundred and thirty-one, and five hundred and thirty-two of the Code of Civil Procedure, all relating to injunctions.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Injunction, what is, and who may grant.

525. An injunction is a writ or order requiring a person to refrain from a particular act. It may be granted by the court in which the action is brought, or by a judge thereof; and when granted by a judge, it may be enforced as an order of the court.

SEC. 2. Section five hundred and twenty-six of said code is hereby amended to read as follows:

526. An injunction may be granted in the following cases: When may
be granted.

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:

When can
not be
granted.

1. 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;

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, the performance of which would not be specifically enforced;

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.

SEC. 3. Section five hundred and twenty-seven of said code is hereby amended to read as follows:

527. An injunction may be granted at any time before judgment upon a verified complaint, or upon affidavits, if the complaint in the one case, or the affidavits in the other, show satisfactorily that sufficient grounds exist therefor. A copy of the complaint or of the affidavits, upon which the injunction was granted, must, if not previously served, be served therewith. No injunction granted prior to the trial of the cause shall continue in force longer than twelve months, after answer filed, except by consent of the parties, unless the cause has been set for trial upon its merits, or unless the party in whose favor it was granted has sought to have the cause so set for trial, and the failure to set it has not been due to his fault. At what
time may
be granted.

SEC. 4. Section five hundred and twenty-nine of said code is hereby amended to read as follows:

Undertaking required.

529. On granting an injunction, the court or judge must require, except when it is granted on the application of the people of the state, a county, or a municipal corporation, or a wife against her husband, a written undertaking on the part of the applicant, with sufficient sureties, 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. Within five days after the service of the injunction, the person enjoined may except to the sufficiency of the sureties, and unless within five days thereafter, upon notice of not less than two days to the person enjoined, such sureties, or others in their place, justify before a judge of the court or county clerk at a time and place designated in such notice, the order granting the injunction must be dissolved.

Exception to sureties.

SEC. 5. Section five hundred and thirty of said code is hereby amended to read as follows:

Order to show cause may issue.

530. If the court or judge deem it proper that the person, sought to be enjoined, should be heard before granting the injunction, an order may be made requiring cause to be shown, at a specified time and place, why the injunction should not be granted, and the defendant may, in the meantime, be restrained. In all actions which may be hereafter brought when an injunction or restraining order may be applied for to prevent the diversion, diminution or increase of the flow of water in its natural channels, to the ordinary flow to which the plaintiff claims to be entitled, the court shall first require due notice of the application to be served upon the defendant, and upon the hearing thereof, if it be made to appear to the court that plaintiff is entitled to the injunction, but that the issuance thereof pending the litigation will entail great damage upon defendant, and that plaintiff will not be greatly damaged by the acts complained of pending the litigation and can be fully compensated for such damages as he may suffer, the court may refuse the injunction upon the defendant giving a bond such as is provided for in section five hundred and thirty-two; and upon the trial the same proceedings shall be had, and with the same effect as in said section provided.

Notice to defendant.

SEC. 6. Section five hundred and thirty-one of said code is hereby amended to read as follows:

Injunction to suspend business of corporation.

531. An injunction to suspend the general and ordinary business of a corporation can not be granted without due notice of the application therefor to the proper officers or managing agent of the corporation, except when the people of this state are a party to the proceeding.

SEC. 7. Section five hundred and thirty-two of said code is hereby amended to read as follows:

Motion to modify or vacate.

532. If an injunction is granted without notice to the person enjoined, he may apply, upon reasonable notice to the judge who granted the injunction, or to the court in which the action was brought, to dissolve or modify the same. The

application may be made upon the complaint or the affidavit on which the injunction was granted, or upon affidavit on the part of the person enjoined, with or without the answer. If the application is made upon affidavits on the part of the person enjoined, but not otherwise, the person against whom the application is made may oppose the same by affidavits or other evidence in addition to that on which the injunction was granted. In all actions pending, or which may hereafter be brought, wherein an injunction or restraining order has been or may be granted or applied for, to prevent the diversion, pending the litigation, of water used, or to be used, for irrigation or domestic purposes only, if it be made to appear to the court that great damage will be suffered by the person enjoined, in case the injunction is continued, and that the person in whose behalf it issued can be fully compensated for any damages he may suffer by reason of the continuance of the acts enjoined during the pendency of the litigation, the court in its discretion, may dissolve or modify the injunction, upon the person enjoined giving a bond with sureties to be approved by the judge, and in such amount as may be fixed by the court or judge, conditioned that such enjoined person will pay all damages which the person in whose behalf the injunction issued may suffer by reason of the continuance, during the litigation, of the acts complained of. Upon the trial the amount of such damages must be ascertained, and in case judgment is rendered for the person in whose behalf the injunction was granted, the amount fixed as such damages must be included in the judgment, together with reasonable attorney's fees. In any suit brought on the bond, the amount of such damages as fixed in said judgment is conclusive on the sureties.

Bond
on modifi-
cation.

CHAPTER 273.

An act to amend section 3902 of the Political Code, relating to the division of the state into counties.

[Approved March 16, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

3902. This state is divided into counties, named, bounded and constituted as provided by law. The several counties of this state, as they now exist, and such other counties as may be hereafter organized, according to law, are hereby recognized as legal subdivisions of the state.

Counties
are
legal sub-
divisions.

SEC. 2. This act shall take effect immediately.

CHAPTER 274.

An act to amend section four hundred and one of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Extension
of
corporate
existence.

401. Every corporation heretofore or hereafter formed, and existing under the laws of this state, may at any time prior to the expiration of the term of its corporate existence extend such term to a period not exceeding fifty years from the date of such extension. Such extension may be made at any meeting of the stockholders, or members, called by the directors expressly for considering the subject, if voted for by stockholders representing two-thirds of the capital stock; or by two-thirds of the members where there is no capital stock; or may be made upon the written assent of two-thirds of the members or of stockholders representing two-thirds of the capital stock. A certificate of such vote or assent shall be signed and sworn to by the president and secretary and by a majority of the directors of the corporation, and filed in the office of the county clerk where the original articles of incorporation were filed, and a copy certified by such clerk shall be filed in the office of the secretary of state, and thereupon the term of existence of the corporation shall be extended for the period specified in such certificate. The fees for certifying such certificate and filing the same and the certified copy thereof, shall be the same as those prescribed by law for certifying and filing articles of incorporation in such cases. In no event shall such extension be construed to prolong or extend the duration of any franchise or privilege heretofore granted to any corporation or joint stock company by special legislative act, or by the municipal authorities of any county, city, city and county, town, or other political subdivision of this state, beyond the term fixed by the provisions of the act, ordinance or resolution conferring such privilege or franchise, or beyond the term fixed for the maximum period of existence of such corporation or joint stock company by laws in force and governing the formation and organization thereof at the time such corporation or joint stock company was formed or organized.

Certificate
filed with
county
clerk and
secretary
of state.

Franchises.

SEC. 2. This act shall take effect immediately.

CHAPTER 275.

An act to amend section 1279 of the Code of Civil Procedure, relating to the filing in the office of the secretary of state of a certified copy of a decree of court changing the name of a person or corporation.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1279 of the Code of Civil Procedure, is hereby amended to read as follows:

1279. A certified copy of the decree of the court, changing the name of a person or corporation, shall within thirty days from the date of such decree, be filed in the office of the secretary of state.

Copy
of decree
filed with
secretary
of state.

CHAPTER 276.

An act to amend section 3198 of the Political Code, relating to the recording of trademarks.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3198 of the Political Code is hereby amended to read as follows:

3198. The secretary of state must keep for public examination a record of all trademarks, or names filed in his office, with the date when filed and name of claimant; and must at the time of filing issue to the claimant a certificate of such filing under the great seal of the state, and collect from such claimant, a fee of five dollars, as provided for in section four hundred and sixteen of this code.

Record
of trade-
marks.

CHAPTER 277.

An act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Creation of United States forest reserve fund.

SECTION 1. All moneys which have been received, and all moneys which may hereafter be received, by the State of California from the government of the United States in pursuance of an act of congress approved June 30, 1906 (Public — No. 382), which act provides for the distribution to states and territories of ten per cent of the moneys received from the forest reserves established therein, shall be credited to a fund to be known as the United States forest reserve fund, which fund is hereby specifically created, and such moneys shall be disposed of, in accordance with the terms of such act of congress, by the payment of the same to the counties in which such forest reserves are situated. The payment made to each county from the receipts of any given forest reserve shall be in the proportion which the area of such forest reserve situated in such county bears to the total area of such reserve.

Controller to keep record of receipts.

SEC. 2. The controller of state shall keep a record of the receipts from the government of the United States on account of each forest reserve in this state. On or before the thirtieth day of June of each year the controller shall draw his warrant in favor of the treasurer of each and every county entitled to payment hereunder for whatever sum of money may be due to such county according to the terms of this act. The state treasurer shall pay the warrants so drawn.

Duty of surveyor-general.

SEC. 3. It shall be the duty of the surveyor-general, upon application from the controller, to furnish a statistical statement showing the area, or the proportionate area, of each United States forest reserve situated in each of the counties of the state, and the data thus secured shall be made the basis of the computation of the amounts due to the several counties.

County auditor to apportion money.

SEC. 4. It shall be the duty of the county auditor of any county receiving a payment of money under the provisions of this act, immediately to apportion such money by placing fifty per cent thereof to the credit of the unapportioned county school fund of such county and fifty per cent to the credit of the general road fund. The money thus added to the unapportioned county school fund shall be apportioned by the county superintendent of schools in the same manner

as other county school fund moneys, and the money so added to the county general road fund shall be used for the same purposes as other general road fund moneys.

SEC. 5. This act shall take effect immediately.

CHAPTER 278.

An act to amend section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

290. Articles of incorporation must be prepared, setting forth:

1. The name of the corporation.
2. The purpose for which it is formed.
3. The place where its principal business is to be transacted.
4. The term for which it is to exist, not exceeding fifty years.

5. The number of its directors or trustees, which shall not be less than three, and the names and residences of those who are appointed for the first year; *provided*, that the corporate powers, business, and property of corporations formed, or to be formed, for the purpose of erecting and managing halls and buildings for the meetings and accommodations of several lodges or societies of any benevolent or charitable order or organization, and in connection therewith the leasing of stores and offices in such building or buildings for other purposes, may be conducted, exercised, and controlled by a board of not less than three or more than fifty directors, to be chosen from among the stockholders of such corporation, or among the members of such order or organization; *and provided, also*, that at any time during the existence of corporations for profit, other than those of the character last hereinabove provided for, the numbers of the directors may, by a majority of the stockholders of the corporation, be increased, or diminished to any number not less than three, who must be members of the corporation; whereupon a certificate stating the number of directors must be filed, as provided for in section two hundred and ninety-six for the filing of the original articles of incorporation; *and provided, also*, that the corporate powers, business, and property of corporations formed or to be formed for social purposes, and not directly for profit, may be exercised, conducted, and controlled by a board, consisting of such number of directors as may be in the constitution or

Articles of incorporation, what to contain.

Number of directors.

Lodges.

Number of directors may be changed.

Corporations for social purposes.

by-laws provided; and corporations so formed may, in their constitution or by-laws, provide for the length of time that the directors, or any number thereof, shall act, and may, in like manner provide that certain directors, or a certain number of the board of directors, to be selected by the corporation or the board of directors, in the mode and manner provided in the constitution or by-laws, shall act for any specified length of time, or otherwise, as shall be in the constitution or by-laws set forth.

Capital
stock.

6. The amount of its capital stock, and the number of shares into which it is divided. Corporations formed for profit, pursuant to the provisions of this code, may, by their articles of incorporation, provide for the classification of their capital stock into preferred and common stock. In the event that the articles of incorporation shall provide for such classification the same must contain a statement of the number of shares of stock to which preference is granted, and the number of shares of stock to which no preference is granted. The articles of incorporation shall also state, in clear and succinct manner, the nature and extent of the preference granted, and except as to the matters and things so stated, no distinction shall exist between said classes of stock or the owners thereof; *provided, however*, that no preference shall be granted nor shall any distinction be made between the classes of stock either as to voting power or as to the statutory or constitutional liability of the holders thereof to the creditors of the corporation.

Amount
subscribed.

7. If there is a capital stock, the amount actually subscribed, and by whom.

CHAPTER 279.

An act to amend section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred and twenty-three of the Civil Code is hereby amended to read as follows:

Certifi-
cates of
stock, how
issued.

323. All corporations for profit must issue certificates for stock when fully paid up, signed by the president and secretary, and may provide, in their by-laws, for issuing certificates prior to full payment, under such restrictions and for such purposes as their by-laws may provide, but any certificate issued prior to full payment must show on its face what amount has been paid thereon. All certificates of stock issued by corporations authorized by their articles of incorporation to issue stocks of different classes, shall express upon their face

the character of stock represented by said certificates. The said certificates shall also state the number of shares of stock of each class which said corporation is authorized to issue, and the said certificates shall also contain a statement of the nature and extent of the preference granted to the preferred stock.

CHAPTER 280.

An act to amend section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred and fifty-nine of the Civil Code is hereby amended, to read as follows:

359. No corporation shall issue stocks or bonds except for money paid, labor done or property actually received, and all fictitious increase of stock or indebtedness is void. Every corporation may increase or diminish its capital stock, and every corporation, or two or more corporations, may create or increase its or their bonded indebtedness, subject to the following provisions:

Fictitious increase of stock is void.

First—The capital stock of a corporation may be increased or diminished at a meeting of the stockholders by a vote representing at least two-thirds of the subscribed or issued capital stock, or in the manner otherwise in this section provided; when by meeting as aforesaid, then such meeting must be called by the board of directors or trustees, and notice must be given by publication in a newspaper published in the county or city and county where the principal place of business of the corporation is located, or if there be none published in said county or city and county, then in a newspaper published in an adjoining county, or city and county, such paper to be designated by the board of directors or trustees in the order calling for the meeting; *provided, however*, that where the articles of incorporation provide for two or more kinds of capital stock, no increase or reduction of capital stock shall be made without the assent of two-thirds of all the subscribed stock, and in making such increase or reduction, the assent shall identify the particular class or classes of stock to be increased or reduced, and the amounts apportioned to each.

How capital stock may be increased or diminished.

Second—The notice must specify the object of the meeting and the amount to which it is proposed to increase or diminish the capital stock, the time and place of holding the meeting, which latter must be at the principal place of business of the

What notice must specify.

corporation and at the building where the board of directors or trustees usually meet. The notice herein provided must be published once a week for at least sixty days. The capital stock can not be diminished to an amount less than the indebtedness of the corporation.

How bonded indebtedness may be created or increased.

Third—The bonded indebtedness of a corporation may be created or increased by a vote of the stockholders representing at least two-thirds of the subscribed or issued capital stock at a meeting called by the board of directors or trustees, and after notice of the time and place of the meeting published in the same manner and for the time prescribed, which notice shall state the amount of the bonded indebtedness which it is proposed to create, or the amount to which it is proposed to increase such indebtedness, and shall in all other respects contain the same matters as are above provided and set forth in the notice of meeting to increase or diminish the capital stock; or such original creation of bonded indebtedness may be made as otherwise in this section provided.

Notification to stockholders.

Fourth—In addition to the notice by publication, when proceedings are to be had hereunder at a meeting of stockholders, the secretary of the corporation shall also address a notice to each of the stockholders whose names appear on the company's books as sufficiently addressed or identified, at his place of residence, if known, and if not known, then at the place in which the principal place of business of the corporation is situate, which notice shall be so mailed to such stockholders at least thirty days before the day appointed for such meeting.

Directors may diminish stock and create indebtedness.

Fifth—In lieu of such call for meeting of stockholders and of such notice and publication of the same and of a stockholders' meeting held in pursuance thereof and of said vote thereat representing at least two-thirds of the subscribed capital stock, any corporation may diminish its capital stock and also originally create its bonded indebtedness by a resolution adopted by the unanimous vote of its board of directors or trustees at a regular meeting or at a special meeting called for that purpose and approved by the written assent or assents of the stockholders holding two-thirds of the subscribed or issued capital stock, which assent or assents must be filed with the secretary of the corporation; but the secretary of the corporation must address by mail, postage fully prepaid, a copy of such resolution to each of the stockholders whose names appear upon the company's books as sufficiently addressed or identified, at his place of residence, if known, and if not known, then at the place in which the principal place of business of the corporation is situate, which notice shall be so mailed to such stockholders at least thirty days before the certificate hereinafter provided is made and signed or filed, as hereinafter provided, and within that time any stockholder may file with such secretary his dissent in writing; but it is further provided, that if at any time within said thirty days such written assent or assents of the stockholders holding all of the subscribed or issued capital stock be so filed with said secretary, then and at once and without further delay the certificate

hereinafter provided for may be so made, signed and filed as hereinafter provided and with the same effect, but such capital stock can not be diminished to an amount less than the indebtedness of the corporation, and no increase of capital stock or bonded indebtedness can be made, except at a meeting of stockholders as in this section provided.

Limit
of diminu-
tion.

Sixth—Any two or more corporations may by a separate compliance by each corporation with the provisions of this section applicable in the premises in respect to creating or increasing bonded indebtedness, create or increase a consolidated bonded indebtedness of such corporations, to be binding jointly and severally on such corporations, and which may be secured by a consolidated mortgage or deed of trust executed by all such corporations, mortgaging or conveying in trust all or any of the properties of all such corporations, acquired or to be acquired.

Consoli-
dated
indebted-
ness.

Seventh—Upon such increase or diminution of the capital stock or creation or increase of the bonded indebtedness being made in accordance with the provisions of this section there shall be made, if proceedings are had under subdivisions first, second, third and fourth above, a certificate under the corporate seal and signed by the president and secretary of the corporation or of each corporation acting in the premises and a majority of the directors or trustees of such corporation, or each corporation so acting, showing a compliance by such corporation, or each corporation so acting, with the requirements of said last named subdivisions and the amount to which the capital stock has been increased or diminished or the amount of the bonded indebtedness created, or to which the bonded indebtedness may have been increased, and the amount of stock represented at the meeting and the total vote in the affirmative by which the same was accomplished and the total vote in the negative; or if such proceedings be had and taken under subdivision fifth of this section as to diminution of capital stock or original creation of bonded indebtedness a like certificate shall be made and sealed and signed, as aforesaid, showing a compliance by such corporation, and by each corporation acting in the premises, with the requirements of said subdivision fifth, and the amount to which the capital stock has been diminished or the amount of bonded indebtedness so originally created, and the total amount of the stock represented by the said written assent or assents so filed with the secretary and the total amount of stock represented by the said written dissent or dissents so filed. In case of a consolidated bond of indebtedness each corporation which is a party thereto shall cause to be made and signed and sealed and verified and filed, as in this section provided, a separate certificate.

Certificate
of increase
or diminu-
tion.

Eighth—In all cases the certificates shall state the total number of subscribed or issued shares of the capital stock of the corporation, or of each corporation respectively acting in the premises, and shall be verified by the oath of the said president and secretary, or of the said respective presidents

What
certificate
shall state.

Where
filed.

Publica-
tion
of notices.

and secretaries. Such consolidated bonded indebtedness may be created or increased to an amount equal to the par or face value of the aggregate amount of the subscribed or issued capital stocks of said two or more corporations, but shall not exceed such aggregate amount. In each and every case the certificate must be filed in the office of the clerk in the county or city and county where the original articles of incorporation of the corporation or corporations acting hereunder are filed and a certified copy thereof, certified by such clerk, shall be filed in the office of the secretary of state; and thereupon the capital stock shall be so increased or diminished, or the bonded indebtedness or consolidated bonded indebtedness shall be created or increased accordingly, and such certificate or certificates so filed shall be, when said certified copy or copies are so filed, conclusive proof of such increase or diminution of capital stock or such creation or increase of bonded or consolidated bonded indebtedness and the validity of each thereof. When the by-laws of a corporation prescribe the paper in which notices of meetings of directors or trustees or stockholders are to be published the notices of publication herein provided for shall be published in such paper, unless publication thereof shall have ceased.

CHAPTER 281.

An act to amend section four hundred and sixteen of the Political Code, relating to the fees of the secretary of state.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Fees of
secretary
of state.

416. The secretary of state, for services performed in his office, must charge and collect the following fees:

1. For a copy of any law, resolution, record, or other document or paper on file in his office, twenty cents per folio.
2. For comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, five cents per folio.
3. For affixing certificate and seal of state, unless otherwise provided for, two dollars.
4. For filing articles of incorporation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars, and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars, and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars, and not over five hundred thousand dollars,

seventy-five dollars; if the capital stock is over five hundred thousand dollars, and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars; for filing articles of incorporation without capital stock, except coöperative associations, five dollars; for filing articles of incorporation of coöperative associations, formed under the act of eighteen hundred and ninety-five, and acts supplementary thereto or amendatory thereof, fifteen dollars.

Fees of
secretary
of state.

5. For recording articles of incorporation, twenty cents per folio.

6. For issuing certificate of incorporation, three dollars.

7. For filing certificate of increase of capital stock, five dollars for every fifty thousand dollars or fraction thereof of such increase.

8. For filing certificate of decrease of capital stock, five dollars.

9. For filing notice of removal of principal place of business, five dollars.

10. For filing amended articles of incorporation, unless otherwise provided for, five dollars.

11. For filing certificate of creation of bonded indebtedness, or increase or decrease thereof, five dollars.

12. For issuing certificate of increase or decrease of capital stock, three dollars.

13. For filing certificate on continuance of existence, five dollars.

14. For issuing certificate of continuance of existence, three dollars.

15. For filing claim to trademark, and issuing certificate of filing, five dollars.

16. For issuing certificate of filing of any document, not otherwise provided for, three dollars.

17. For filing certificate of increase or decrease of number of directors, five dollars.

18. For issuing certificate of increase or decrease of number of directors, three dollars.

19. For receiving and recording each official bond, five dollars.

20. For filing notice of appointment of agent, five dollars.

21. For each commission, passport, or other document signed by the governor and attested by the secretary of state (pardons, military commissions, and extradition papers excepted), five dollars.

22. For each patent for land issued by the governor, if for one hundred and sixty acres or less, one dollar; and for each additional one hundred and sixty acres, or fraction thereof, one dollar.

23. For issuing certificate of official character, two dollars.

24. For recording miscellaneous documents or papers, twenty cents per folio.

25. For filing certified copy of order and decree of court,

changing name, or certified copy of order and decree of court, dissolving a corporation, five dollars.

Excep-
tions.

No member of the legislature or state officer shall be charged for any search relative to matters appertaining to the duties of their office; nor shall they be charged any fee for a certified copy of any law or resolution passed by the legislature relative to their official duties.

Disposi-
tion
of fees.

State
library
fund.

All fees collected by the secretary of state must, at the end of each month, be paid into the state treasury. Three thousand five hundred dollars of such monthly returns shall be credited to and constitute the state library fund, and the balance shall be paid into the general fund of the state.

CHAPTER 282.

An act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said code in place thereof, relating to the establishment of a uniform system of county and township governments.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Title II of Part IV of the Political Code is hereby repealed, and a new Title II of Part IV of said code is hereby added to read as follows:

TITLE II.

THE GOVERNMENT OF COUNTIES.

County
govern-
ment.

- CHAPTER I. Counties as Bodies Corporate.
 II. Population and Classification of Counties.
 III. Classification and Election of Officers.
 IV. Legislative Department.
 V. Executive Department.
 VI. Judicial Department.
 VII. Department of Education.
 VIII. Department of Public Works.
 IX. Department of Health.
 X. Salaries and Fees of Office.
 XI. Other County Charges.
 XII. Miscellaneous Provisions.

CHAPTER I.

COUNTIES AS BODIES CORPORATE.

- Section 4000. Every county a body corporate and politic.
 4001. Powers, how exercised.
 4002. Name and designation.
 4003. Enumeration of powers.
 4004. Restriction on loaning credit.
 4005. Prohibited contract forms no basis for claim.
 4005a. Officers become personally liable, when.
 4005b. Action to recover money unlawfully paid.

County is
body
corporate.

4000. Every county is a body corporate and politic, and as such has the powers specified in this title, and such other powers as are necessarily implied from those expressed.

4001. Their powers can only be exercised by the board of supervisors, or by agents and officers acting under their authority, or authority of law. Who may exercise powers.

4002. The name of a county designated in the law creating it is its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property, and duties. Corporate name.

4003. It has power: Powers.

1. To sue and be sued.

2. To purchase, receive by gift or bequest, and hold land within its limits.

3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.

4. To manage and dispose of its property as the interests of its inhabitants may require.

5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.

4004. No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. An indebtedness or liability incurred contrary to this provision shall be void. Credit not to be loaned.

4005. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of law, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such county. And all officers of said county are charged with notice of the condition of the treasury of said county, and the extent of the claims against the same. Prohibited contracts void.

4005a. Any officer authorizing, or aiding to authorize, or auditing, or allowing, or paying any claim or demand upon or against said treasury, or any fund thereof, in violation of any of the provisions of law, or of the constitution of this state, shall be liable in person, and upon his official bond, to the person or persons damaged by such illegal authorization, to the extent of his or their loss by reason of the non-payment of his or their claims. Officers personally liable, when.

4005b. Whenever any board of supervisors shall, without authority of law, order any money paid as a salary, fees, or for any other purposes, and such money shall have been actually paid; or whenever any county officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without being authorized by the board of supervisors, or by the law, and the same shall have been paid, the district attorney of such county is hereby empowered, and it is hereby made his imperative duty, to institute suit, in the name of the county, against such person or persons, to recover the money so paid, and twenty per cent damages for the use thereof; and no order of the board of supervisors therefor shall be necessary to maintain such suit. When the money has not been paid on such order or warrants, it is hereby made the imperative duty of the district attorney of such county, upon receiving notice thereof, to commence suit, in the name of the county, to restrain the payment of the same; and no order of the board of supervisors shall be necessary in order to maintain such suit. Action to recover money unlawfully paid.

CHAPTER II.

POPULATION AND CLASSIFICATION OF COUNTIES.

- ARTICLE I. Population of Counties.
- II. Classification of Counties.

ARTICLE I.

POPULATION OF COUNTIES.

Popula-
tion of
counties.

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

County.	Population.	County.	Population.
1. San Francisco	342,782	30. Ventura	14,367
2. Los Angeles	170,298	31. Yolo	13,618
3. Alameda	130,197	32. San Mateo	12,094
4. Santa Clara	60,216	33. Calaveras	11,200
5. Sacramento	45,915	34. Tuolumne	11,166
6. Sonoma	38,480	35. Amador	11,116
7. Fresno	37,862	36. Tehama	10,996
8. San Joaquin	35,452	37. Kings	9,871
9. San Diego	35,090	38. Stanislaus	9,550
10. San Bernardino	27,929	39. Merced	9,215
11. Humboldt	27,104	40. El Dorado	8,986
12. Solano	24,143	41. Yuba	8,620
13. Santa Cruz	21,512	42. Colusa	7,364
14. Mendocino	20,465	43. San Benito	6,633
15. Orange	19,696	44. Madera	6,364
16. Monterey	19,350	45. Lake	6,007
17. Santa Barbara	18,934	46. Sutter	5,886
18. Tulare	18,375	47. Glenn	5,150
19. Contra Costa	18,046	48. Modoc	5,076
20. Riverside	17,897	49. Mariposa	4,720
21. Nevada	17,789	50. Plumas	4,657
22. Shasta	17,318	51. Lassen	4,511
23. Butte	17,117	52. Trinity	4,383
24. Siskiyou	16,962	53. Inyo	4,377
25. San Luis Obispo	16,637	54. Sierra	4,017
26. Kern	16,480	55. Del Norte	2,408
27. Napa	16,451	56. Mono	2,167
28. Placer	15,786	57. Alpine	509
29. Marin	15,702		

ARTICLE II.

CLASSIFICATION OF COUNTIES.

Section 4006. Classification of counties.

Classifica-
tion of
counties.

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

San
Francisco.

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

Los
Angeles.

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

Alameda.

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

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

Counties containing a population of forty thousand and under fifty thousand shall belong to and be known as counties of the fifth class. Sacramento.

Counties containing a population of thirty-eight thousand and under forty thousand shall belong to and be known as counties of the sixth class. Sonoma.

Counties having a population of thirty-six thousand and under thirty-eight thousand shall belong to and be known as counties of the seventh class. Fresno.

Counties having a population of thirty-five thousand four hundred and under thirty-six thousand shall belong to and be known as counties of the eighth class. San Joaquin.

Counties having a population of thirty-five thousand and under thirty-five thousand four hundred shall belong to and be known as counties of the ninth class. San Diego.

Counties having a population of twenty-seven thousand four hundred and under thirty-five thousand shall belong to and be known as counties of the tenth class. San Bernardino.

Counties having a population of twenty-seven thousand and under twenty-seven thousand four hundred shall belong to and be known as counties of the eleventh class. Humboldt.

Counties having a population of twenty-four thousand and under twenty-seven thousand shall belong to and be known as counties of the twelfth class. Solano.

Counties having a population of twenty-one thousand and under twenty-four thousand shall belong to and be known as counties of the thirteenth class. Santa Cruz.

Counties having a population of twenty thousand and under twenty-one thousand shall belong to and be known as counties of the fourteenth class. Mendocino.

Counties having a population of nineteen thousand five hundred and under twenty thousand shall belong to and be known as counties of the fifteenth class. Orange.

Counties having a population of nineteen thousand and under nineteen thousand five hundred shall belong to and be known as counties of the sixteenth class. Monterey.

Counties having a population of eighteen thousand five hundred and under nineteen thousand shall belong to and be known as counties of the seventeenth class. Santa Barbara.

Counties having a population of eighteen thousand two hundred and under eighteen thousand five hundred shall belong to and be known as counties of the eighteenth class. Tulare.

Counties having a population of eighteen thousand and under eighteen thousand two hundred shall belong to and be known as counties of the nineteenth class. Contra Costa.

Counties having a population of seventeen thousand eight hundred and under eighteen thousand shall belong to and be known as counties of the twentieth class. Riverside.

Counties having a population of seventeen thousand five hundred and under seventeen thousand eight hundred shall belong to and be known as counties of the twenty-first class. Nevada.

- Shasta. Counties having a population of seventeen thousand three hundred and under seventeen thousand five hundred and fifty shall belong to and be known as counties of the twenty-second class.
- Butte. Counties having a population of seventeen thousand and under seventeen thousand three hundred shall belong to and be known as counties of the twenty-third class.
- Siskiyou. Counties having a population of sixteen thousand seven hundred and fifty and under seventeen thousand shall belong to and be known as counties of the twenty-fourth class.
- San Luis Obispo. Counties having a population of sixteen thousand five hundred and under sixteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-fifth class.
- Kern. Counties having a population of sixteen thousand four hundred and seventy-five and under sixteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.
- Napa. Counties having a population of sixteen thousand and under sixteen thousand four hundred and seventy-five shall belong to and be known as counties of the twenty-seventh class.
- Placer. Counties having a population of fifteen thousand seven hundred and fifty and under sixteen thousand shall belong to and be known as counties of the twenty-eighth class.
- Marin. Counties having a population of fifteen thousand and under fifteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-ninth class.
- Ventura. Counties having a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the thirtieth class.
- Yolo. Counties having a population of thirteen thousand and under fourteen thousand shall belong to and be known as counties of the thirty-first class.
- San Mateo. Counties having a population of twelve thousand and under thirteen thousand shall belong to and be known as counties of the thirty-second class.
- Calaveras. Counties having a population of eleven thousand one hundred and seventy-five and under twelve thousand one hundred shall belong to and be known as counties of the thirty-third class.
- Tuolumne. Counties having a population of eleven thousand one hundred and fifty and under eleven thousand one hundred and seventy-five shall belong to and be known as counties of the thirty-fourth class.
- Amador. Counties having a population of eleven thousand and under eleven thousand one hundred and fifty shall belong to and be known as counties of the thirty-fifth class.
- Tehama. Counties having a population of ten thousand and under eleven thousand shall belong to and be known as counties of the thirty-sixth class.
- Kings. Counties having a population of nine thousand seven hundred and fifty and under ten thousand shall belong to and be known as counties of the thirty-seventh class.

Counties having a population of nine thousand five hundred and under nine thousand seven hundred and fifty shall belong to and be known as counties of the thirty-eighth class. Stanislaus.

Counties having a population of nine thousand and under nine thousand five hundred shall belong to and be known as counties of the thirty-ninth class. Merced.

Counties having a population of eight thousand seven hundred and fifty and under nine thousand shall belong to and be known as counties of the fortieth class. El Dorado.

Counties having a population of eight thousand and under eight thousand seven hundred and fifty shall belong to and be known as counties of the forty-first class. Yuba.

Counties having a population of seven thousand and under eight thousand shall belong to and be known as counties of the forty-second class. Colusa.

Counties having a population of six thousand five hundred and under seven thousand shall belong to and be known as counties of the forty-third class. San Benito.

Counties having a population of six thousand two hundred and fifty and under six thousand five hundred shall belong to and be known as counties of the forty-fourth class. Madera.

Counties having a population of six thousand and under six thousand two hundred and fifty shall belong to and be known as counties of the forty-fifth class. Lake.

Counties having a population of five thousand five hundred and under six thousand shall belong to and be known as counties of the forty-sixth class. Sutter.

Counties having a population of five thousand one hundred and under five thousand five hundred shall belong to and be known as counties of the forty-seventh class. Glenn.

Counties having a population of five thousand and under five thousand one hundred shall belong to and be known as counties of the forty-eighth class. Modoc.

Counties having a population of four thousand seven hundred and under five thousand shall belong to and be known as counties of the forty-ninth class. Mariposa.

Counties having a population of four thousand six hundred and under four thousand seven hundred shall belong to and be known as counties of the fiftieth class. Plumas.

Counties having a population of four thousand five hundred and under four thousand six hundred shall belong to and be known as counties of the fifty-first class. Lassen.

Counties having a population of four thousand three hundred and eighty and under four thousand five hundred shall belong to and be known as counties of the fifty-second class. Trinity.

Counties having a population of four thousand two hundred and under four thousand three hundred and eighty shall belong to and be known as counties of the fifty-third class. Inyo.

Counties having a population of four thousand and under four thousand two hundred shall belong to and be known as counties of the fifty-fourth class. Sierra.

Counties having a population of two thousand two hundred and under four thousand shall belong to and be known as counties of the fifty-fifth class. Del Norte.

- Mono.** Counties having a population of two thousand and under two thousand two hundred shall belong to and be known as counties of the fifty-sixth class.
- Alpine.** Counties having a population of under two thousand shall belong to and be known as counties of the fifty-seventh class.
- Change of classification.** **4006a.** Counties created or organized after July 1, 1907, shall immediately come under and be governed by the provisions of this title so far as the same are applicable thereto. When the population of any existing county shall have been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank first assumed hereunder, it shall be the duty of the board of supervisors of such county to designate by order the class to which such county has been reduced by reason thereof, and such county shall thereafter enter the list of such class; *provided*, that the salary of county officers shall not be affected by reason of such division of the county or order of the board, for the term for which they were elected and qualified. In any newly created county, for the purpose of fixing the salaries and fees of county and township officers, the board of supervisors of such new county shall classify such new county according to the population thereof. In each case the population shall be numerically fixed, and when so fixed shall be certified to the secretary of state by the board fixing the same.
- New counties.** **4007.** Whenever a new federal census is taken, the counties on the first day of July following the session of the legislature next thereafter, are, by operation of law, classified under such census.
- Federal census.**

CHAPTER III.

CLASSIFICATION AND ELECTION OF OFFICERS.

- ARTICLE I.** County Officers.
- I. Township Officers.
 - II. Consolidation of Offices.
 - IV. Elections for and Qualifications of Officers.

ARTICLE I.

COUNTY OFFICERS.

- Officers of a county.** **4013.** The officers of a county are:
1. A district attorney;
 2. A sheriff;
 3. A county clerk;
 4. An auditor;
 5. A treasurer;
 6. A recorder;
 7. A license collector;
 8. A tax collector, who shall be *ex officio* license collector;
 9. An assessor;
 10. A superintendent of schools;
 11. A public administrator;
 12. A coroner;
 13. A surveyor;

- 14. Members of the board of supervisors;
- 15. A live stock inspector;
- 16. A fish and game warden;
- 17. Such other officers as may be provided by law.

ARTICLE II.

TOWNSHIP OFFICERS.

- Section 4014. Officers of township.
- 4015. Supervisors shall divide counties into townships.
- 4016. This article not to affect incumbent.

4014. The officers of a township are, two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities in which city justices or recorders are elected there shall be but one justice of the peace, and in townships having a population of less than five thousand, there shall be but one justice of the peace and one constable; *provided, however,* that in townships containing a population of more than one hundred thousand and less than three hundred thousand there shall be four justices of the peace and four constables.

Officers of township.

Upon the approval of this title the board of supervisors must appoint competent persons to fill the additional offices of justices of the peace and constables by this section created.

4015. The board of supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables; *provided, however,* that in the establishment of townships that may be hereafter established no incorporated city shall be divided so as to lie partly within one township and partly within another.

Division of county into townships.

4016. The provisions of this article shall not affect any incumbent of the office of justice of the peace or constable.

Incumbent not affected.

ARTICLE III.

CONSOLIDATION OF OFFICES.

- Section 4017. Offices, and how may be consolidated.
- 4018. Consolidated offices separated, how.
- 4019. Officer filling consolidated offices, duty of.
- 4020. Each office filled by election, when.

4017. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this title, the duties of certain of the officers mentioned in section four thousand and thirteen are hereby consolidated, as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; assessor and tax collector; public administrator and coroner.

Offices may be consolidated, how

4018. In counties where the duties of said officers have been, or may hereafter be, consolidated in any manner designated in the preceding section, the board of supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above pro-

Offices may be separated, how.

vided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby.

Duty of officer filling consolidated offices.

4019. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation of the offices consolidated.

Each office filled by election, when.

4020. When there is an omission by the board of supervisors to consolidate and to advertise the consolidation of offices as in this article authorized, each office not so consolidated must be filled by an election.

ARTICLE IV.

ELECTION FOR AND QUALIFICATION OF OFFICERS.

- Section **4021.** Officers, when elected.
4022. Official bonds
4023. Who is eligible to county and local offices.
4024. Appointment of deputies.
4025. Registers, indexes, etc.
4026. Canvass of elections.

When officers shall be elected.

4021. All elective county and township officers, except otherwise provided for in this title, and by law, shall be elected at the general election at which the governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. All officers elected under the provisions of this title shall hold office until their successors are elected or appointed and qualified. Supervisors shall be elected at the general election prior to expiration of the term of the incumbent. The supervisors of any county created after the first day of July, nineteen hundred and seven, shall, within six months after the first general election succeeding the creation of such county, classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire in two years from such general election, and the term of office of the class having the lesser number shall terminate in four years from such general election.

Official bonds.

4022. The board of supervisors of each county shall, on or before the first Monday in September, preceding the election of the following officers, prescribe the amount in which said officers must execute official bonds: Treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, coroner, justice of the peace, and constable. The judge or judges of the superior court shall, on or before the said first Monday of September, prescribe the amount in which each member of the board of supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the judge, or judges, if

Approval of bonds.

there be more than one, of the superior court. All persons offered as sureties on official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the state, and is worth in real or personal property, or both, situate in this state, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the county recorder, and then filed and kept in the office of the county clerk. The official bond of the county clerk shall, after being recorded, be filed and kept in the office of the county treasurer. The tax collector shall also before qualifying give a bond as license collector in such sum as may be fixed by the board of supervisors, to be approved as provided in this section.

Shall be recorded.

4023. No person is eligible to a county, district, or township office, who, at the time of his election, is not of the age of twenty-one years, or over, a citizen of the state, and an elector of the county, district, township, or other division, in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of twenty-one years, or over, a citizen of the state, and a resident of the county or district, shall be eligible to the office of superintendent of public schools, school trustee, or member of the county board of education; *and provided further*, that no person shall hereafter be eligible to the office of district attorney who has not been admitted to practice in the supreme court of the State of California; *and provided further*, that the county live stock inspector shall, at the time of his appointment, be a duly qualified veterinary surgeon having on file in the office of the county clerk a certificate issued to him by the state veterinary medical board.

Who is eligible to county and local offices.

4024. Every county, township, or district officer, except a supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the county clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

Appointment of deputies.

4025. The board must provide the registers required by law and printed copies of the indexes, poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

Appliances for holding elections.

4026. Whenever, as canvassers, the board of supervisors have declared the result of an election held in the county, certificates must be, by the county clerk, issued to all persons elected to a county, township, or district office therein, and such other certificates must be made out and transmitted as required by law.

Certificates of election.

CHAPTER IV.

LEGISLATIVE DEPARTMENT.

- ARTICLE I. The Board of Supervisors.
- II. The Clerk of the Board of Supervisors.
- III. Records of the Board of Supervisors.
- IV. General Permanent Powers.
- V. Additional Powers and Duties.
- VI. Ordinances.
- VII. Examination of Persons, Books and Papers.
- VIII. Liabilities.
- IX. Buildings.
- X. Claims Against County.
- XI. Warrants on County Treasury.
- XII. The Several Funds.
- XIII. Issuance of Bonds.

ARTICLE I.

THE BOARD OF SUPERVISORS.

- Section 4027. How constituted and known.
- 4028. Members, qualifications of.
- 4029. Supervisorial district, how changed.
- 4030. Vacancy in office of supervisor, how filled.
- 4031. Organization of.
- 4032. Records and minutes of, how signed.
- 4033. Meetings of,—public.
- 4034. Meetings of.
- 4035. Special meetings of.
- 4036. May direct sheriff to attend meetings of, etc.

Board of supervisors.

4027. Each county must have a board of supervisors, consisting of five members.

Qualification of members.

4028. Each member of the board of supervisors must be an elector of the district which he represents, must reside therein during his incumbency, must have been such elector for at least one year immediately preceding his election, and shall be elected by such district, and not at large; *provided*, that in any county or city and county in which supervisorial districts have not been established by law or ordinance, and in which supervisors are now required to be elected at large, but from particular wards, the members of the board of supervisors shall be elected at large and without regard to residence.

Supervisor districts.

4029. The board of supervisors may, by a two-thirds vote of the members of said board, change the boundaries of any or all of the supervisor districts of a county. Said districts shall be as nearly equal in population as may be. The boundaries of no supervisor district shall at any time be changed in such manner as to affect the term of office of any supervisor who has been elected, and whose term of office has not expired. No change in the boundaries of any supervisor district shall be made within ninety days next preceding a general election.

Vacancy in office of supervisor, how filled.

4030. Whenever a vacancy occurs in the board of supervisors of a county, the governor shall fill the vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case the election of a supervisor shall be held at the next general election to fill the vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

4031. The supervisors shall elect a chairman, who shall preside at all meetings of the board, and in case of his absence or inability to act, the members present must, by an order entered on their records, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all the members concur therein.

Organiza-
tion
of board.

4032. The records and minutes of the board must be signed by the chairman and the clerk.

Minutes.

4033. All meetings of the board must be public, and the books, records, and accounts of the board must be kept at the office of the clerk, open at all times for public inspection.

Meetings
must
be public.

4034. The board of supervisors must, by ordinance, provide for the holding of regular meetings of the board at the county seat.

Meetings.

4035. A special meeting may be ordered by a majority of the board. The order must be signed by the members calling such meeting, and must be entered in the minutes. Five days' notice of such meeting must be given by the clerk, personally or by mail, to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other shall be transacted.

Special
meetings.

4036. The board of supervisors shall have power to direct the sheriff to attend, in person or by deputy, all the meetings of the board, to preserve order, serve notices, subpoenas, citations, or other process, as directed by the board.

Duty of
sheriff.

ARTICLE II.

CLERK OF THE BOARD OF SUPERVISORS.

Section 4037. County clerk ex-officio clerk of.

4038. Duties of.

4037. The county clerk is ex-officio clerk of the board of supervisors.

County
clerk
ex-officio
clerk
of board.

4038. The clerk of the board must:

1. Record all the proceedings of the board.
2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.

Duties of
clerk.

3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.

4. Immediately after the adjournment of each meeting of the board, certify all demands allowed and orders made for the payment of money, giving the amount and date of each demand, or order, and the date of the allowance thereof, which demands, or orders, shall be countersigned by the chairman of the board, and thereafter said clerk shall deliver to and leave the same with the auditor.

5. File and preserve the reports of the county treasurer of the receipts and disbursements of the county.

6. Preserve and file a memorandum of all accounts acted upon by the board.

7. Preserve and file all petitions and applications for franchises, and record the action of the board thereon.

8. Authenticate with his signature and seal of the board the proceedings of the board, whenever the same shall be ordered published.

9. Authenticate with his signature and the seal of the board all ordinances passed by the board, and to record the same at length in the "ordinance book."

10. Record all orders levying taxes; and,

11. Perform all other duties required by law, or any rule or order of the board.

ARTICLE III.

RECORDS OF THE BOARD OF SUPERVISORS.

Section 4039. Board of supervisors must cause what books to be kept.

4040. Records open for public inspection.

What
books
board must
cause
to be kept.

4039. The board must cause to be kept:

1. A "minute book," in which shall be entered the daily proceedings had at all regular and special meetings, and all orders and decisions made by them, except such as are required to be recorded in the "road," "franchise," or "ordinance" books.

2. An "allowance book," in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

3. A "road book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts.

4. A "franchise book," containing all franchises granted by them, and all proceedings had in relation thereto.

5. A "warrant book," to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee.

6. An "ordinance book," in which must be entered all ordinances duly passed by the board.

Records
open
to public.

4040. The records, books and accounts of the board must be kept at the office of the clerk at all times for public inspection.

ARTICLE IV.

GENERAL PERMANENT POWERS.

Section 4041. General powers of the board.

General
powers.

4041. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

Supervise county officers.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

Divide counties into districts.

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within ninety days prior to any election.

Establish election precincts.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars, they must cause to be prepared and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of the said surveyor; *provided further*, that the surveyor in such cases shall be held personally responsible, under his official bond, to construct said bridge or structure, according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice.

Roads, bridges, etc.

Labor on public roads.

Hospitals
and poor-
houses.

5. To construct or lease, officer and maintain, hospitals and almshouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county; and for such purposes to levy the necessary property or poll taxes, or both. The board of supervisors shall appoint some suitable person to take care of and maintain such hospitals and almshouses, and shall also appoint some suitable graduate or graduates in medicine to attend to such indigent sick or dependent poor, and to the patients in such hospitals and almshouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder.

County
farm.

6. To provide a farm, in connection with the county hospital, or almshouse, and make regulations for working the same.

Water
rights.

7. To purchase, receive by donation, or lease any real or personal property or water rights necessary for use of the county, and to purchase or otherwise acquire necessary real estate upon which to sink wells to obtain water for sprinkling roads, and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation, published in the county; or if none be published in the county, then has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisor district.

To erect
court-
house,
jail, etc.

8. To cause to be erected, or rebuilt, or furnished, a court-house, jail, hospital, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. None of the aforesaid buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least thirty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

To sell
property
not
needed.

9. To sell at public auction, at the court-house door, or at such other place within the county as the board may, by a four-fifths vote, order, after thirty days' notice, given either by publication in a newspaper published in the county, or by posting in five public places in the county, and convey to the highest bidder for cash, any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in

value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale, without advertising, by any member of the board empowered for that purpose by a majority of the board.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law. Examine accounts.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor. Allow demands.

12. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district, and received a majority of all the legal votes cast upon such proposition. Levy taxes.

13. To acquire and take by purchase, condemnation, or otherwise, land for the uses and purposes of public boulevards; to lay out, establish and improve public boulevards and to incur a bonded indebtedness for any of such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held, and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section four thousand and eighty-eight. Said boards shall also have power to maintain public boulevards, established and laid out under the provisions of this title, and to make and enforce rules and regulations for the protection, management, control and use of such boulevards. Public boulevards.

14. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source. Public pounds.

15. To equalize assessments.

16. To direct and control the prosecution and defense of all suits to which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same. Employ counsel.

17. To insure the county buildings and other property in the name of and for the benefit of the county. Insure buildings.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require. Establish funds.

- Fill vacancies. 19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term or until the next general election.
- Employ copyists. 19a. To employ the copyists necessary to reproduce any of the county records that may be in danger of destruction by age, obliteration, or constant use in any of the county offices.
- Enforce rules. 20. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.
- Seal. 21. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.
- Licenses. 22. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the non-payment thereof enforced against any commercial traveler whose business is limited to the goods, wares, and merchandise sold or dealt in in this state at wholesale.
- Gophers. 23. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.
- Dog tax 24. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.
- Fish and game protection. 25. To provide, by ordinances not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for the taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.
- Working of prisoners. 26. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff, whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.
- Indigent dead. 27. To provide for the burying of the indigent dead.

28. To make and enforce, within the limits of their county, all such local police, sanitary, and other regulations as are not in conflict with general laws. Sanitary regulations.

29. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require. Gun-powder.

30. To appropriate from the general fund of the county, unless otherwise in this title provided, not to exceed, in counties of the first and second class, the sum of three thousand dollars, and in all other counties the sum of two thousand dollars in any one year, to aid in or carry on the work of inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county. Inducing immigration.

31. To enforce, by ordinance, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws. Width of wagon tires.

32. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public. Grant franchises.

33. To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted. Toll roads.

34. To enact ordinances and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law. Control of roads.

35. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts. Special road tax.

36. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public Encourage tree planting.

grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

Improvement
of rivers.

37. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvements of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy, and collections within such districts of a tax therefor.

Tax for
forest
protection.

38. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work.

General
powers.

39. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

ARTICLE V.

ADDITIONAL POWERS AND DUTIES.

- Section 4042. May improve streams not navigable.
 4043. May protect highways from damage by floods.
 4044. Office, etc., to be supplied to county surveyor.
 4045. Collection of illegal fees by officer forfeits office.
 4046. Badges of sheriffs.
 4047. Franchises for bicycles and other horseless vehicles.
 4048. Must annually advertise for bids to furnish county supplies, etc.
 4049. Must publish fair statement of proceedings.
 4049a. Must publish annual statistical report.
 4050. Must require assessor to report.
 4051. Must have prepared annual statement of finances, etc.
 4052. Lands and other property granted.
 4052a. May accept or reject gifts.
 4053. May transfer money from certain funds.
 4054. Must repay same.
 4055. May take census, when.
 4056. To furnish data to secretary of state agricultural society.
 4056a. To preserve health of domestic live stock.

May
improve
streams
not
navigable.

4042. The board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams and washes within the county and also protecting the banks and adjacent lands from overflow of such streams or washes, when the same are not declared by law to be, and in fact are not, navigable for commercial purposes, the overflow of which interferes with highways; and provide regulations for the use, repair, and control thereof; but no regulations of the board, nor improvements directed, must in any manner interfere with the private rights or privileges of riparian owners, miners, or others. Whenever, in the opinion of the board of supervisors, the general fund is insufficient to

defray the cost of the improvements provided for under this section, they may levy a tax or contract a bonded indebtedness therefor in the manner provided by this title.

4043. Whenever it appears to the board that any public road, in any road district of the county, is in danger of being damaged by storm waters or floods, or whenever any public highway has already been damaged by storm waters or floods, it is hereby made the duty of the board to adopt such measures as may be necessary to prevent such damage, or to repair the same; and the board is hereby authorized to construct flumes, ditches, or canals, for the purpose of carrying off such storm waters or floods to a place of safety, and may condemn the right of way for such flumes, ditches or canals for such purpose; *provided, however,* that no more than the sum of one thousand dollars shall be used for such purpose in any one road district of the county in any one year. All moneys used for the purposes of this section may be taken from the general or road fund of the county.

May protect highways from damage by floods.

Limit of expense.

4044. The board shall provide, for the use of the surveyor, a suitable office, office furniture, heat, light, and care for the same, office and record books, and other necessary material, also all necessary expenses and transportation on work performed in the field. In lieu of fees, as now provided by law, the surveyor shall receive such compensation as the board of supervisors may allow, not to exceed ten dollars per day for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field.

County surveyor, office for.

4045. The board, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, must declare his office vacant.

Illegal fees.

4046. The board must furnish the sheriff and deputy sheriffs with a suitable badge of office upon which shall be inscribed on that for the sheriff the word "Sheriff" and on those for the deputy sheriffs the words "Deputy Sheriff."

Badges of sheriff.

4047. The board of supervisors may under such regulations, restrictions and limitations as it may provide subject to existing laws, grant franchises for the construction of paths and roads, either on the surface, elevated or depressed, on, over, across, or under the streets and public highways of their respective counties for the use of bicycles, tricycles, motor-cycles, and other like horseless vehicles propelled by the rider, and for a term not exceeding fifty years.

Franchises for roads for horseless vehicles.

4048. The board of supervisors of the several counties shall annually advertise, for at least ten days in a newspaper of general circulation in the county (if there be a newspaper published in the county, otherwise by posting notices in three public places), for sealed bids for furnishing the county with stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies. All bids shall be on a schedule, showing all articles needed in the several offices and departments, prepared by the clerk of the board, shall state separately the price of each article to be furnished, and any person may

Advertise for bids for supplies.

bid upon any article separately. In considering such bids, the board may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board.

Fix price to be paid for printing.

The board shall annually fix the price at which the county shall be supplied with job printing and blank books, from a schedule prepared by the clerk of the board, showing all blanks and blank books used in the several offices and departments, and also the price of all county advertising; and each county officer shall procure such blank books, job printing, and advertising required for the proper discharge of his official duties, such printing and advertising to be done by such person or newspaper as such county officer may designate, at a price no greater than is so fixed, and certify the bill therefor to the board of supervisors. A square of advertising shall be two hundred and thirty-four ems nonpareil.

Publish statement of proceedings.

4049. Within ten days after each session of the board, it shall cause to be published a fair statement of all its proceedings.

Publish statistical report.

4049a. The board of supervisors shall cause to be prepared, and shall publish each year a statistical report showing in compendious form all the financial transactions of the county for the last fiscal year, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court, and road district and school district, and classifying the principal items of income and expenditure, so as to show the financial transactions and the financial condition of the county.

Assessor to report.

4050. The board must require the assessor to report to the state board of equalization, annually, a true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may direct.

Annual statement of finances.

4051. The board must have prepared by the clerk, and when he is not also auditor, then by that officer, and under their direction, prior to their annual meeting for levying taxes, a statement showing:

1. The indebtedness of the county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury and its several funds.

Lands and other property granted.

4052. The board must receive from the United States, or other sources, lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof.

4052a. The board of supervisors are hereby authorized to accept or reject, as they may deem advisable, any gift, bequest, or devise heretofore, or that hereafter may be made to or in favor of the county represented by such board in their official capacity, or to or in their favor in trust for any public purpose, and to hold and dispose of the same, and the income and increase thereof to and for such lawful uses and purposes as have been or may hereafter be prescribed in the terms of such gift, bequest or devise.

May accept gifts.

In the event of any such gift, bequest or devise having been, or being hereafter made unaccompanied by any provision prescribing or limiting the uses or purposes to which the property received thereunder, or the income or increase thereof, may be put, it shall be put to such uses and purposes as such board may prescribe, and the proceeds or income therefrom shall be paid into the school fund of the county.

Income of gift paid to school fund.

4053. The boards of supervisors in the several counties, when expedient and necessary, are hereby authorized and empowered to transfer moneys remaining in the swamp-land fund and such moneys as may remain in any of the sinking funds of their county, to the general fund of such county, which transfer or transfers shall be deemed a loan from the swamp-land fund or sinking fund to such general fund.

May transfer funds.

4054. Whenever it shall be necessary to repay the amount so transferred or borrowed to the swamp-land or sinking fund from which the same has been transferred, or any part thereof the board of supervisors shall cause a warrant to be drawn upon said general fund for the amount so transferred or borrowed, or any part thereof; and such warrant shall be a preferred claim upon such general fund over and above all warrants outstanding against said fund, and shall be paid out of the first money received in such general fund.

Repayment of transferred funds.

4055. The board of supervisors in years other than those in which a census is taken by the United States, may cause by ordinance, when necessary, a census of their respective counties, or any township or district therein to be taken. The persons taking such census shall enumerate all the inhabitants thereof, plainly writing the full name of each person and arranging the names alphabetically and numbering the same consecutively in one complete series. When completed the same shall be verified before any officer authorized to administer oaths, and filed with the county clerk. A certified copy thereof shall be prepared by the clerk and filed by him in the office of the secretary of state, and thereupon shall be known and be the official census of the political division described therein. The expenses of taking such census shall be a county charge.

May take census.

4056. It shall be the duty of the board of supervisors of each county, on or before the first day of November of each year, to supply the secretary of the State Agricultural Society upon blanks to be furnished by him for that purpose, statistics showing the products grown, produced or manufactured in said county, for the year preceding, and the expense thereof shall

Furnish data to state agricultural society.

be a county charge, to be paid as other county charges against the county.

Health of
domestic
live stock.

4056a. The board shall adopt orders and enact ordinances not in conflict with state or federal laws necessary for the preservation of the health of domestic live stock, and shall provide for the payment of all expenses incurred in enforcing the same, which expenses shall be a county charge and payable in the same manner and out of the same funds as other county charges are paid.

ARTICLE VI.

ORDINANCES.

Section 4057. How enacted.

Ordi-
nances.

4057. The enacting clause of all ordinances of the board shall be as follows: "The Board of Supervisors of the County of _____ do ordain as follows." Every ordinance shall be signed by the chairman of the board and attested by the clerk. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the "Ordinance book." No ordinance passed by the board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the members voting for and against the same, for at least one week, in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the court-house door at least one week. An order entered in the minutes of the board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

Proof
of publica-
tion.

ARTICLE VII.

THE EXAMINATION OF PERSONS, BOOKS AND PAPERS.

Section 4065. Chairman may issue subpoenas.
4066. Sheriff shall serve subpoenas.
4067. Committee of the board.
4068. Disobedience of subpoena.
4069. Proceedings on attachment.
4070. Witnesses not to be prepaid.

Chairman
may issue
subpoenas.

4065. Whenever the board of supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disbursement by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, account, voucher, or document in the possession of such officer or other person, or under his control, relating to the affairs or interests of such county, the chairman of such board shall issue a subpoena, in proper form, commanding such person or officer to appear before such board, at a time and place therein specified, to be examined as a witness; and such subpoena may require such

person or officer to produce on such examination all books, papers, and documents in his possession or under his control, relating to the affairs or interests of the county.

4066. It shall be the duty of the sheriff of the county to whom the subpoena is delivered, to serve the same by reading it to the person named therein, and at the same time to deliver to him a copy thereof, and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof. Sheriff shall serve subpoenas.

4067. Whenever the board of supervisors shall appoint any members of their body a committee upon any subject or matter of which the board has jurisdiction, and has conferred upon such committee power to send for persons and papers, the chairman of such committee shall possess all the powers and be liable to all the duties herein given to and imposed upon the chairman of the board of supervisors. Committee of board, powers of.

4068. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or refuse to appear, or to produce such books and papers, as required by such subpoena, or shall refuse to testify before such board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the board, or of the committee, as the case may be, to report the fact to the judge of the superior court of the county, or of the city and 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. Disobedience of subpoena.

4069. 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. Proceedings on attachment.

4070. The witnesses summoned to testify on behalf of the county in matters of public concern before the board of supervisors are not entitled to have their fees prepaid; but the board must allow them the reasonable expenses of their attendance. Witness fees.

ARTICLE VIII.

LIABILITIES.

Section 4071. Liabilities not to exceed revenue.

4071. The board must not, for any purpose, contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for Liabilities not to exceed revenue.

Duty of auditor.

such year, except as permitted by the constitution. It shall be the duty of the auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the state and county tax for the fiscal year, the auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. Up to and including the 1st day of January in each fiscal year the board shall have no power for any purpose to contract debts or liabilities in any manner or for any purpose nor to make any allowances against any funds, which with all the debts and liabilities previously incurred and with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed seventy per cent of the auditor's estimate of revenue for the year, except to build or repair roads and bridges which have been destroyed or made impassable by flood or fire. Any debts or liabilities contracted in any manner or for any purpose and any allowances made contrary to the provisions of this section shall be null and void and the auditor shall not draw his warrant therefor nor the treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "Allowance book," and shall be certified in that order by the auditor.

Limit of allowances.

ARTICLE IX.

BUILDINGS.

Section 4072. Plans, etc., not to be altered.

4073. Contracts not to be altered, etc.

Plans not to be altered.

4072. Whenever the board of supervisors shall adopt plans and specifications for the erection, alteration, construction, or repair of any public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner whereby the cost of such building, bridge, or structure shall be increased, except by a vote of two thirds of their number.

Contracts not to be altered.

4073. Whenever the board of supervisors shall enter into a contract for the erection, construction, alteration, or repair of any public building, bridge, or other structure, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof

agreed upon between the board and the contractor. In no case shall the board pay or become liable to pay for any extra work done on, or extra material furnished for, such building or structure.

ARTICLE X.

CLAIMS AGAINST COUNTY.

- Section 4074. Presenting of claims by officers.
- 4075. Claims to be itemized.
- 4076. Form for claims.
- 4077. Improper claims to be rejected.
- 4078. When claimant may sue.
- 4079. Claims of members.

4074. No county officer shall, except for his own service, present any claim, account, or demand for allowance against the county, or in any way except in the discharge of his official duty advocate the relief asked in the claim or demand made by any other. Any person may appear before the board and oppose the allowance of any claim or demand made against the county. Claims by officers.

4075. The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular services rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is presented and filed with the clerk of the board within a year after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact, and give time to have the claim itemized and reverified. Claims must be itemized.

4076. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section and filed with the clerk three days prior to the time of the meeting of the board at which it is asked to be allowed. Form for claims.

Such demand shall be made out in form substantially as follows:

Clerk's memoranda, No. _____ Fund.
 Demand of _____, dated _____, in sum of \$_____, for
 _____. Allowed by the Board of Supervisors _____, 19____,
 in sum of \$_____.

Attest: _____, Clerk of Board.

 Demand of _____
 No. _____, Fund _____. Demand on the treasury of
 the County of _____, State of California, for the sum of _____
 dollars, being for _____.

Date.	Items.	Dollars.	Cents.
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
		\$	-----

Expenditures authorized and approved by me. _____

State of California, }
 County of _____ } ss.

The undersigned, being duly sworn, says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued.

Subscribed and sworn to before me this _____ day of _____, _____, County Clerk.

Allowed by Board of Supervisors, _____, 19—, in sum of \$ _____, payable out of _____ fund.

Attest: _____, Clerk of Board of Supervisors.

Countersigned: _____, Chairman Board of Supervisors.

Warrant No. _____.

Allowed _____, 19—, for the sum of \$ _____, payable out of _____ fund.

_____, County Auditor.

No. _____ Registered _____, 19—.

_____, County Treasurer.

Approval of demands.

Said demand shall be approved before filing by the officer who directed such expenditure. If said demand be allowed by the board, the clerk of the board shall detach and file the memorandum, and shall indorse on such demand "allowed by the board of supervisors," together with the date of such allowance, the amount of such allowance, and from what fund; shall attest the same with his signature, and, when countersigned by the chairman, shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it "allowed," together with the amount for which it is allowed, from what fund, date, and number of the warrant, and shall, in attestation thereof, affix his signature thereto and deliver the same to the claimant; and said demand, when so allowed and signed by the auditor, shall constitute the warrant on the treasury, within the meaning of this chapter.

Improper claims to be rejected.

4077. When the board finds that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected; and said rejection shall be plainly indorsed on said claim; if they find it to be a proper county charge, but greater in amount than is justly due, the board may allow the claim in part, and draw a warrant for the portion allowed, on

the claimant filing a receipt in full for his account. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular session of the board, but not afterward.

4078. If the board refuse or neglect to allow or reject a claim or demand for ninety days after the same has been filed with the clerk, such refusal or neglect may, at the option of the claimant, be deemed equivalent to a final action and rejection on the ninetieth day, and a claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the county therefor at any time within six months after the final action of the board, but not afterward, and if, in such action, judgment is recovered for more than the board allowed, on presentation of a certified copy of the judgment, the board must allow and pay the same, together with the costs adjudged; but if no more is recovered than the board allowed, the board must pay the claimant no more than was originally allowed.

When claimant may sue.

4079. All claims against the county, presented by members of the board of supervisors for per diem and mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered, and before allowance such claims must be presented to the district attorney, who must indorse thereon, in writing, his opinion as to the legality thereof. If the district attorney declare the claim, or any part thereof, illegal, he must state specifically wherein it is illegal, and the claim, or such part, must then be rejected by said board.

Claims of supervisors.

ARTICLE XI.

WARRANTS ON COUNTY TREASURY.

Section 4081. What warrants must specify.

4081. Warrants drawn by order of the supervisors on the county treasury for the current expenses during each year must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of presentation to the treasurer. If the fund is insufficient to pay any warrant, it must be registered, and thereafter paid in the order of registration.

What warrants must specify.

ARTICLE XII.

THE SEVERAL FUNDS.

Section 4085. Public revenues must be kept in separate funds.

4086. Moneys in fund, how used.

4087. General fund, what constitutes.

4085. The income and revenue paid into the county treasury shall be at once appropriated to and kept in separate funds.

Separate funds.

4086. The several funds in the treasury authorized by law at the time this title takes effect, or provided for by this title shall continue therein so long as there shall be occasion therefor, and the moneys therein, or which may belong thereto shall not

Moneys in fund, how used.

be used for any purpose other than that for which the same were raised, except as otherwise provided in this title.

General
fund.

4087. The general fund shall consist of moneys received into the treasury and not specially appropriated to any other fund.

ARTICLE XIII.

ISSUANCE OF BONDS.

Section 4088. Issuance of bonds for certain purposes; proceedings on.

Bonded
indebted-
ness.

4088. Any county having an outstanding indebtedness, evidenced by bonds or warrants thereof, may refund such indebtedness and issue bonds of the county therefor, and any county may incur or refund a bonded indebtedness for any purposes for which the board of supervisors are herein authorized to expend the funds of said county, or for the purpose of building or constructing roads, bridges or highways. Such indebtedness shall be refunded or incurred in the following manner, to wit: The board of supervisors thereof shall by order specify the purpose for which the indebtedness is to be incurred, the amount of bonds which they propose to issue, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run, and shall further provide for submitting the question of the issuance of said bonds to the qualified electors of the county at the next general election, or at a special election to be called by the board for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Several separate propositions may be submitted at the same election. If a special election is called, none but qualified voters of the county shall be permitted to vote thereat, and it shall be held as nearly as practicable in conformity with the general election law of the state; *provided, however,* that for the holding of such special election the board may form bond election precincts by adopting the precincts established for general election purposes, or by consolidating such precincts inside of incorporated cities and towns, to a number not exceeding six in each bond election precinct, and shall appoint only one inspector, two judges and one clerk for each bond election precinct. Notice shall be given of such election by publication in one or more newspapers published in the county, once a week for at least four weeks, or daily for not less than thirty days, prior to said election. If there be no such newspaper, then by posting the same conspicuously in five public places in said county at least thirty days before said election. Such notice must contain the time and place or places of holding such election, the names of election officers to conduct the same, the amount and denomination of the bonds, the rate of interest to be paid, and the number of years, not exceeding forty, the whole or any part of such bonds are to run. If any election officers so named in such notice are not present at the opening of the polls, the electors present may appoint election officers to take the place of such election

Proceed-
ings.

Submis-
sion of
question.

Election
precincts.

Notices.

officers so absent. If two thirds of the electors of the county voting at such an election shall vote in favor of issuing such bonds, the board must proceed to issue the amount of bonds specified; *provided*, that the total amount of bonded indebtedness shall at no time exceed five per cent of the taxable property of the county, as shown by the last equalized assessment book thereof. This limitation shall not apply to bonds which may be issued to refund an indebtedness existing January first, eighteen hundred and eighty. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof; and said board may also, at their option, by a provision in such bonds, make such principal payable on or before a specified date, at the pleasure of the county. Said bonds may be issued in denominations not to exceed one thousand dollars and not less than one hundred dollars; principal and interest payable in gold coin of the United States, either at the treasury of said county, or at such place within the United States as such board may designate, or both at such treasury or such designated place, at the option of the bondholder. Interest on said bonds shall not exceed six per cent per annum, payable annually or semi-annually, as said board may designate. Said bonds shall be signed by the chairman of the board of supervisors, and attested by the auditor of said county, and have the seal of the board of supervisors attached, and said coupons shall be signed by said auditor by original or lithographed fac simile signature; and said bonds shall be sold at the times, in the amounts and in the manner prescribed by said board of supervisors, but for not less than par. The board of supervisors, at the time of making the next general tax levy after incurring the indebtedness of any bonds issued under the provisions of this title, and annually thereafter until all of said bonds are paid, or until there shall be a sum in the treasury of the county set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, must levy a tax for that year upon the taxable property of said county for the interest and redemption of said bonds, which shall be in addition to all other taxes, and such tax must not be less than sufficient to pay the interest on said bonds, and such portion of the principal, if any, as is to become due before the time for making the next general tax levy, and in any event must be sufficient to raise annually for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term sufficient to pay such annual interest, and to provide annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run. And the board of supervisors, before or at the time of issuing said bonds by ordinance shall provide for the levy of an annual tax sufficient to effect the objects of this provision.

Two-thirds
vote
required.

Denomina-
tion
of bonds.

Interest.

Tax levy
for bond
payments.

Such tax, when collected, shall be paid into the treasury of the county, and used solely to pay the interest and principal of said bonds as they respectively become due.

How
revenue
from bonds
to be
applied.

The revenue derived from the sale of said bonds shall be applied to the purpose specified in the order of the board, and no other. Should there be any surplus, it shall be applied toward the payment of said bonds. The board of supervisors of any county can contract a bonded indebtedness for county purposes only as in this title provided.

Form of
bond.

In issuing bonds under this title, the board of supervisors may, at its option, use the following form of bond and coupon:

UNITED STATES OF AMERICA,

No. ———. County of ———, \$———. State of California.

The county of ———, State of California, hereby acknowledges itself indebted and promises to pay the bearer hereof, on the ——— day of ———, one thousand ——— (herein insert, if the board of supervisors elect to make the bond payable on a certain date, or before that date, at the pleasure of the county, the words "or at any time before that date, at the pleasure of the county"), the sum of ——— dollars in gold coin of the United States, with interest thereon, in like gold coin, at the rate of ——— per centum per annum, payable at ——— semi-annually (or annually) on the first day of ——— and ——— (or on the first day of ———, if interest payable annually), on presentation and surrender of the interest coupon hereto attached.

This bond is issued by the board of supervisors of the county of ———, State of California, in strict compliance with the provisions of Title II of Part IV of the Political Code of the State of California, and in pursuance of an order of said board duly made on the ——— day of ———, 19—, and with the assent of two thirds of the qualified electors of said county voting at an election legally called and duly held for that purpose on the ——— day of ———, 19—.

And it is hereby certified and recited that the bonded indebtedness of said county, including this bond, does not exceed five per cent of the taxable property thereof, as shown by the last equalized assessment of said county, and that provision has been made for the collection of an annual tax sufficient to pay the interest on this indebtedness as it falls due, and also sufficient to constitute a sinking fund for the payment of said indebtedness at or before maturity.

In witness whereof, the said county, by its board of supervisors, has caused this bond to be signed by the chairman of said board, and attested by the auditor thereof, and the seal of the board of supervisors to be hereto attached, this ——— day of ———, one thousand ———.

—————,
Chairman Board of Supervisors.

Attest: ———, County Auditor.

And the interest coupon may be in the following form:

"The county of _____, State of California, hereby promises to pay the holder hereof, on the _____ day of _____, one thousand _____, at _____ in _____, \$_____, United States gold coin, for interest on its county bond, No. _____, _____, County Auditor."

Form of coupon.

If the board of supervisors of any county which has issued bonds under the provisions of this title shall fail to make the levy necessary to pay such bond or interest coupons at maturity, and the same shall have been presented to the county treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said county, a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the state tax and paid into the state treasury and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

Proceedings in case supervisors fail to levy tax.

CHAPTER V.

EXECUTIVE DEPARTMENT.

- ARTICLE I. The Chairman of the Board of Supervisors.
 II. The Auditor.
 III. The Treasurer.
 IV. The Assessor.
 V. The Tax Collector.
 VI. The License Collector.
 VII. The Recorder.
 VIII. The Coroner.
 IX. The Live Stock Inspector.
 X. Fish and Game Warden.

ARTICLE I.

THE CHAIRMAN OF THE BOARD OF SUPERVISORS.

Section 4090. Duties of.

4090. The chairman of the board of supervisors shall preside at all meetings thereof and perform such duties as are prescribed by law or by said board.

Duties of chairman.

When the board is not in session in any emergency affecting the interest of the county, or when any defalcation or official misconduct shall come to his knowledge, he shall forthwith call a special meeting of the board of supervisors to consider the same.

ARTICLE II.

THE AUDITOR.

Section 4091. Duties of.

4092. Warrants to specify what.
 4093. To settle with debtors of county.
 4094. Accounts and receipts.
 4095. Warrants to be numbered.
 4096. Must examine treasurer's books.
 4097. Count of money in treasury.
 4098. Same. Filing statements of.
 4099. Joint statements of auditor and treasurer.
 4099a. Duty of auditor with respect to minor orphans or half-orphans.
 4100. Other duties of.

Duties of
auditor.

4091. The auditor must issue warrants as provided in section four thousand and seventy-six, on the treasurer, in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed, and ordered paid by the board of supervisors. The auditor must also issue warrants on the treasurer for all debts and demands against the county, when the amounts are fixed by law, or are authorized by law to be allowed by some person or tribunal other than the board of supervisors.

Warrants,
what
to specify.

4092. All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

To settle
with
debtors of
county.

4093. The auditor must examine and settle the accounts of all persons or officers indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the treasurer, and upon the presentation and filing of the treasurer's receipt therefor, give to such persons a discharge, and charge the treasurer with the amount received by him.

Accounts
and
receipts.

4094. The auditor must keep accounts current with the treasurer, and when any person deposits with the auditor any receipt given by the treasurer for any money paid into the treasury, the auditor must file such receipt, and charge the treasurer with the amount thereof.

Warrants
to be
numbered

4095. All warrants issued by the auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be registered by him, and after such warrants have remained uncalled for for two years they shall be canceled.

Examine
treasurer's
books.

4096. The auditor must, between the first and tenth day of each month, examine the books of the treasurer, and see that the same have been correctly kept.

Count the
money in
treasury.

4097. The chairman of the board of supervisors, district attorney, and auditor, must, at least once in each month, count the money in the county treasury, and make and verify, in duplicate, statements showing:

1. The amount of money that ought to be in the treasury.
2. The amount and kind of money actually therein.

4098. They must file one of the statements in the office of the county clerk, and the auditor must post and maintain the other in his office for at least one month thereafter. Same.
File state-
ments.

4099. The auditor and treasurer of each county must, on the first Monday in February, May, August, and November, and at such other times as the board of supervisors may require, make a joint statement to the board of supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the county treasury; the funds among which the same are distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amount of warrants drawn and unpaid, and accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid, and, generally, make a full and specific showing of the financial condition of the county. Joint state-
ment,
auditor
and
treasurer.

4099a. It shall be and is hereby made the duty of every county auditor in the State of California to keep all the books and necessary accounts with reference to payments made by the county of which he is auditor for minor orphans and half-orphans and abandoned children and to prepare the necessary data and make out all claims against the state for such payments, and the board of supervisors may allow the auditor a reasonable compensation for performing the extra duty herein provided. Accounts
of orphans
and half-
orphans.

4100. The auditor must discharge such other duties as are required by law. Other
duties.

ARTICLE III.

THE TREASURER.

- Section 4101. Specific duties of treasurer.
 4102. Auditor's certificate required.
 4103. Must give receipts.
 4104. Must pay warrants, when.
 4105. To endorse warrants, when no funds on hand.
 4106. Warrants drawing interest.
 4107. Advertising warrants.
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 4109. Unpaid warrants.
 4110. Must note interest paid.
 4111. Monthly and annual statements.
 4112. Detailed report each session of the board.
 4113. Penalty for not reporting.
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 4115. Property received from coroner.
 4116. Money of decedents.
 4117. Possession of public moneys.
 4118. Suspended from office, when.
 4119. Death of treasurer.
 4120. Examination of books and accounts of.
 4121. Same.
 4122. Treasurer to receive and pay out moneys arising from gifts, etc.

4101. The treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

Duties of
treasurer.

Duties of treasurer.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys only on county warrants issued by the county auditor, except on settlement with the state.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law.

Auditor's certificate required.

4102. He must receive no money into the treasury unless accompanied by the certificate of the auditor, provided for in section four thousand and ninety-three.

Must give receipts.

4103. When any money is paid to the county treasurer he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the county auditor, who must charge the treasurer therewith, and give the person paying the same a receipt.

Must pay warrants.

4104. When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the same and write on the face thereof "paid," the date of payment, and sign his name thereto.

Action when no funds on hand.

4105. When any warrant is presented to the treasurer for payment, and the same is not paid for want of funds, the treasurer must indorse thereon "Not paid for want of funds," with the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum.

Warrants drawing interest.

4106. When there are sufficient moneys in the treasury to pay the warrants drawing interest, the treasurer must give notice in some newspaper published in the county, or if none is published therein, then by written notice posted upon the court-house door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

Advertising warrants.

4107. In advertising warrants under the provisions of the preceding section in any newspaper, the treasurer must not publish the warrants in detail, but give notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the treasurer must designate such payable warrants in the advertisement.

4108. Warrants drawn on the treasury, and properly attested, are entitled to preference as to payment out of moneys in the treasury properly applicable to such warrants, according to the order in which they were presented. The time of presenting such warrants must be noted by the treasurer, and upon receipt of moneys into the treasury not appropriated, he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

Preference
as to
payment.

4109. Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be by the treasurer applied to the payment of unpaid warrants next in order of registry. The board of supervisors may, on application and presentation of warrants properly indorsed, which have been advertised, pass an order directing the treasurer to pay them out of any money in the treasury not otherwise appropriated.

Unpaid
warrants.

4110. When the treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon and enter on his account the amount of such interest distinct from the principal.

Must note
interest
paid.

4111. The treasurer must settle his accounts relating to the collection, care, and disbursement of public revenue, of whatsoever nature and kind, with the auditor, on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the auditor's receipt therefor. He must also make a full settlement of all accounts with the auditor, annually, on the first Monday of January, in the presence of the supervisors.

Monthly
and
annual
state-
ments.

4112. Each county treasurer must make a detailed report, at every regular meeting of the board of supervisors of his county, of all money received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amounts of disbursements, together with the debts due to and from the county, may distinctly appear.

Detailed
report
each
session of
super-
visors.

4113. If any county treasurer neglect or refuse to settle or report, as required in sections forty-one hundred and eleven and forty-one hundred and twelve, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the board of supervisors must institute suits for the recovery thereof.

Penalty
for not
reporting.

4114. If the district attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section forty-one hundred and fifty-three, he shall be liable for such refusal or neglect upon his official bond, and the county treasurer must bring an action against him for the recovery thereof, in the name of the county, and may

Must sue
district
attorney,
when.

recover in such action, in addition to the amounts so received, fifty per cent thereon by way of damages. And no order of the board of supervisors shall be necessary to bring such action. His reasonable expenses, including attorney's fees, shall be a county charge.

Property
received
from
coroner.

4115. The treasurer, upon receiving from the coroner, or justice of the peace acting as coroner, money found on a dead body, must place it to the credit of the county; on receiving other property in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

Money of
decedents.

4116. If the money in the treasury is demanded within six years, by the legal representatives of the decedent, the treasurer must pay it to them, after deducting the fees and expenses of the coroner, and of the county, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the board of supervisors.

Possession
of public
moneys.

4117. The treasurer must keep all moneys belonging to this state, or to any county of this state, in his own possession, until disbursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe-keeping of the public moneys; but he shall be liable therefor on his official bond.

Suspended
from office,
when.

4118. Whenever an action, based upon official misconduct, is commenced against any county treasurer, the supervisors may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the board of supervisors.

Death of
treasurer.

4119. In case of the death of any county treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy occasioned by such death, all official moneys, books, accounts, papers, and documents which are or may come into their possession.

Inspection
of books.

4120. The books, accounts, and vouchers of the treasurer are at all times subject to the inspection and examination of the board of supervisors and grand jury.

Same.

4121. The treasurer must permit the chairman of the board of supervisors, district attorney, and auditor to examine his books and count the money in the treasury, whenever they may wish to make an examination or counting.

Money
arising
from gifts.

4122. The treasurer is hereby authorized to receive any money constituting a gift or bequest, or the money resulting or accruing from any gift, bequest or devise and pay the same out in accordance with the terms thereof, or when none are fixed, then according to law.

ARTICLE IV.

THE ASSESSOR.

Section 4125. Duties of.

4125. The assessor must perform such duties as are prescribed in title nine, part three, of this code, and such other duties as are required by law; *provided*, that where any salary is allowed to the assessor, by law, then where such officer is charged, or to be charged, with the making of maps or block books, he shall be allowed the actual cost of making the same, and must file with the county auditor a sworn statement, monthly, showing in detail the names of persons, and amounts paid to each for such expense, and the assessor must thereupon pay over and account to the county, or city and county, for the difference between any amount allowed for such purpose, and the amount actually expended by him therefor.

Duties of assessor.

ARTICLE V.

THE TAX COLLECTOR.

Section 4126. Duties of.

4126. The tax collector must perform such duties as are prescribed in title nine, part three, of this code, and as license collector shall collect all county licenses, and shall perform such other duties as are required by law. He shall, at least once a month and oftener, in his discretion, pay the public money in his hands into the county treasury, taking the receipt of the treasurer therefor.

Duties of tax collector.

ARTICLE VI.

THE LICENSE COLLECTOR.

Section 4127. Duties of.

4127. The tax collector shall be ex-officio license collector, and as license collector shall perform the duties prescribed by law, and by the ordinances of the board of supervisors.

Duties of license collector.

ARTICLE VII.

THE RECORDER.

Section 4130. Duties of.

- 4131. What to be recorded.
- 4132. What indexes to be kept.
- 4133. Certificates of sale.
- 4134. Final judgments.
- 4135. Decrees in partition.
- 4136. Two or more indices.
- 4137. Endorse documents.
- 4138. Time book, etc.
- 4139. To take acknowledgments.
- 4140. Penalty for neglect or misconduct.
- 4141. Not to render service without fees.
- 4142. Records open to inspection.
- 4142a. When contracts, plans and specifications may be returned or destroyed.
- 4142b. Recording of instruments when records lost, injured or destroyed by conflagration.
- 4142c. Duties with reference to registration of deaths, issuance and registration of burial and disinterment permits, and the establishment of registration districts.

4130. The recorder must procure such books for records as the business of his office requires, but orders for the same must

Duties of recorder.

first be obtained from the board of supervisors. The books used may contain printed forms of deeds, mortgages, or other instruments of general use. He has the custody of, and must keep all books, records, maps, and papers deposited in his office.

What to be recorded.

4131. He must, upon the payment of his fees for the same, record, separately, in a fair hand, or typewriting, in large and well-bound separate books, either sewed books or an insertable leaf, which when placed in the book cannot be removed:

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved.

2. Mortgages of personal property.

3. Certificates of marriage and marriage contracts.

4. Wills admitted to probate.

5. Official bonds.

6. Notices of mechanics' liens.

7. Transcripts of judgments, which by law are made liens upon real estate in this state.

8. Notices of attachments upon real estate.

9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.

10. Instruments describing or relating to the separate property of married women.

11. Notices of preëmption claims.

12. Births and deaths; and,

13. Such other writings as are required or permitted by law to be recorded.

Books that recorder must keep.

4132. Every recorder must keep:

1. An index of deeds, grants, and transfers, labeled "Grantors," each page divided into four columns, headed, respectively: "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

2. An index of deeds, labeled "Grantees," each page divided into four columns, headed, respectively: "Names of Grantees," "Names of Grantors," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

3. Two indices of mortgages, labeled, respectively: "Mortgagors of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."

4. Two indices of mortgages, labeled, respectively: "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagors," "Releases of Mortgages of Personal Property—Mortgagors," with pages thereof divided into six columns, headed, respectively: "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."

6. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Property—Mortgagees," with pages thereof divided into four columns, headed, respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded." Books that recorder must keep.

7. An index of powers of attorney, labeled: "Powers of Attorney," each page divided into five columns, headed, respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled: "Leases—Lessors," each page divided into four columns, headed, respectively: "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled: "Leases—Lessees," each page divided into four columns, headed, respectively: "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

10. An index of marriage certificates, labeled: "Marriage Certificates—Men," each page divided into six columns, headed, respectively: "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

11. An index of marriage certificates, labeled: "Marriage Certificates—Women," each page divided into six columns, headed, respectively: "Women Married" (and under this heading placing the family names of the women), "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

12. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignors," each page divided into five columns, headed, respectively: "Assignors," "Assignees," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

13. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignees," each page divided into five columns, headed, respectively: "Assignees," "Assignors," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

14. An index of wills, labeled: "Wills," each page divided into four columns, headed, respectively: "Names of Testators," "Date of Wills," "Date of Probate," "When and Where Recorded."

15. An index of official bonds, labeled: "Official Bonds," each page divided into five columns, headed, respectively: "Names of Officers," "Names of Offices," "Date of Bonds," "Amount of Bonds," "When and Where Recorded."

16. An index of notices of mechanics' liens, labeled: "Mechanics' Liens," each page divided into three columns, headed, respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."

Books that
recorder
must keep.

17. An index to transcripts of judgments, labeled: "Transcripts of Judgments," each page divided into seven columns, headed, respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled: "Attachments," each page divided into six columns, headed, respectively: "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled, "Notices of Actions," each page divided into three columns, headed, respectively: "Parties to the Action," "Notices - When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled: "Separate Property," each page divided into five columns, headed, respectively: "Names of Married Women," "Names of their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the register of births and deaths.

22. An "Index to Certificates of Residence."

23. An index of mining locations and of documents affecting same, labeled: "Mining Locations," divided into suitable columns showing the name of locator, date of location, date of recording and place where claim is located.

24. An index suitable for the provisions of "An act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897.

25. Such other indices and books of record as may be required in the performance of his official duties.

Certificates
of sales.

4133. The recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sales of real estate sold under execution, or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

Final judgments.

4134. The recorder must file and record in the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the county of which he is recorder.

Filing for
record
imparts
notice.

4135. Every such certified copy of a judgment or decree mentioned in the preceding section, from the time of filing the same with the recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lienholders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant, or transfer.

Two or
more
indices
in one
volume.

4136. The recorder may keep in the same volume any two or more of the indices mentioned in section forty-one hundred and thirty-two; but the several indices must be kept dis-

tinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indices kept therein. The names of the parties in the first column in the several indices must be arranged in alphabetical order, and when a conveyance is executed by a sheriff, the name of the sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustee is a party, the name of such executor, administrator, or trustee, together with the name of the testator, or intestate, or party for whom the trust is held, must be inserted in the index.

4137. When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the recorder's office for record, the recorder must indorse upon the same the time when it was received, noting the year, month, day, hour, and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates, written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order in which the same were received for record, and must note at the foot of the record the exact time of its reception, and the name of the person at whose request it was recorded.

Indorse documents.

4138. He must also indorse upon each instrument, paper, or notice the time when, the book, and pages in which it is recorded, and must thereafter deliver it to the party leaving the same for record, or upon his order.

Must indorse time.

4139. It shall be the duty of the recorder, upon the payment or tender of the fees therefor, to take and certify the acknowledgment of all instruments authorized by law to be acknowledged.

Take acknowledgments.

4140. If any recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record:

Penalty for neglect or misconduct.

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same;

2. Records any instrument, paper, or notice, willfully or negligently, untruly, or in any other manner than is hereinbefore directed;

3. Neglects or refuses to keep in his office such indices as are required by this article, or to make the proper entries therein; or,

4. Alters, changes, or obliterates any records deposited in his office, or inserts any new matter therein, he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

4141. He shall not record any instrument, or file any paper or notice, or furnish any copy, or render any service connected with his office, until the fees for the same, as prescribed by law, are, if demanded, paid or tendered.

Fees must be prepaid.

4142. All books of record, maps, charts, surveys, and other papers on file in the recorder's office, must, during office hours, be open for inspection by any person, without charge;

Records open to inspection.

and the recorder must arrange the books of record and indices in his office in such suitable places as to facilitate their inspection.

When contracts and plans may be returned.

4142a. After the expiration of two years from the date of filing in the recorder's office of notice of completion of any building or improvement, the contract, plans and specifications under which the work or improvement was performed may be returned by the recorder to the person filing the same unless the recorder has been notified in writing to retain the same by some one claiming some interest under such contract or in the property affected thereby. If no such notice be given the recorder may, after the expiration of said two years, destroy such contract, plans and specifications.

Recording of instruments when records lost by fire.

4142b. 1. Whenever any record of any instrument has been, or shall hereafter be, lost, injured or destroyed by conflagration or other public calamity, the recorder of such county, or city and county is hereby authorized and directed to record any instrument of writing entitled to record under the provisions of Article VII, Chapter V, Title II, Part IV, of this code, which instrument of writing had been previously recorded in his office. In recording the same, the recorder shall record all certificates attached thereto and all endorsements thereon, and if any of such certificates or endorsements show the previous recording of the same in the county, or city and county, where said instrument is presented for record, the date appearing in such certificate or instrument of such record shall be deemed and taken as the date of the recording thereof in said county or city and county, where said instrument is presented for record. Such record and certified copies thereof, duly certified by the recorder of any such county, or city and county, under his seal of office, may be introduced in evidence, with the same force and effect as the original record or certified copies of the original record.

Same, when certified by recorder of another county.

2. Whenever any record of any instrument has been, or shall hereafter be, lost, injured or destroyed by conflagration or other public calamity, the recorder of such county, or city and county is hereby authorized and directed, when presented to him for record, to record any instrument of writing entitled to record under the provisions of Article VII, Chapter V, Title II, Part IV, of this code, which said instrument of writing shall have been or shall be duly certified by the recorder of any other county, or city and county, of this state as being of record in his office. In recording the same, the recorder shall record all certificates attached thereto, or endorsements thereon, and if any of such certificates or endorsements show the previous recording of the same in the county, or city and county, where the said certified copy of the said instrument is presented for record, the date appearing in such certificate or endorsement of such record shall be deemed and taken as the date of the recording thereof in said county, or city and county recorder's office, where the said certified copy is so presented for record. Said record and certified copies of any such record, duly certified by the recorder of any

such county, or city and county, under his seal of office, may be introduced in evidence with the same force and effect as the original record or certified copies of the original record.

3. Such county, or city and county recorder shall be entitled, for his services hereunder, to receive the same amount of fees as he is entitled to receive for the recording of instruments of like character. Same, fees.

4142c. Each county recorder shall have the powers and shall perform the duties within the county of which he is the recorder, which are prescribed and required by the provisions of an act entitled, "An act for the registrations of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for violation of this act," approved March 18, 1905. He shall also have the powers, and shall perform the duties within the county of which he is such officer which are prescribed and required by the provisions of Chapter III, Title VII, of Part III, of this code, relating to the registry of births, marriages and deaths. Duties with reference to registry of births, marriages, and deaths.

ARTICLE VIII.

THE CORONER.

Section 4143. Duties of.

- 4144. Must cause bodies to be buried.
- 4145. Must keep official register.
- 4146. Duties as to property of deceased persons.
- 4147. Justices of the peace to act as coroner, when.
- 4148. Coroner to act as sheriff, when.

4143. The coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The coroner, or other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, 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 given by any witness to be reduced to writing, under his direction, and may, upon the written order of the district attorney, employ a clerk or stenographer for such purpose, at the same compensation allowed to stenographers in the superior court of the county; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness. Duties of coroner.

4144. When an inquest is held by the coroner, and no other person takes charge of the body of deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county. Cause bodies to be buried.

Keep
official
register.

4145. It shall be the duty of the coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

Duties
as to
property of
deceased
persons.

4146. The coroner must, within thirty days after an inquest upon a dead body, deliver to the treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the treasurer, showing:

1. The amount of money or other property belonging to the estate of the deceased person which has come into his possession since his last statement.

2. The disposition made of such property.

3. If the coroner, or any justice of the peace acting as coroner, fail to deliver to the treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the meantime by the public administrator, or other legal representative of the decedent, as required by this section, the district attorney must proceed against the coroner, or justice of the peace acting as coroner, to recover the same, by civil action, in the name of the county.

Justice
of the
peace to
act, when.

4147. If the office of coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any justice of the peace of the county, with the like authority, and subject to the same obligations and penalties as the coroner.

To act
as sheriff,
when.

4148. In the cases specified in section forty-one hundred and seventy-two, the coroner must discharge the duties of sheriff.

ARTICLE IX.

THE LIVE STOCK INSPECTOR.

Section 4149. Appointed by supervisors, when.
4149a. Duties of.

Live stock
inspector,
when
may be
appointed.

4149. The live stock inspector shall be appointed by the board of supervisors whenever in the discretion of such board the interest of the public welfare demands the services of such an officer, and such officer shall hold his office at the pleasure of the appointing power. He shall receive a salary in the sum of one hundred and twenty-five dollars per month, which salary shall be paid at the same time and in the same manner and out of the same funds that other county officers are paid.

Duties of.

4149a. It shall be the duty of the live stock inspector, acting under the supervision of the state veterinarian, to enforce all laws of the State of California, and all orders and ordinances of the board of supervisors of his county pertaining to

the health and sanitary surroundings of all live stock in his county, and for that purpose he is hereby authorized and empowered, by and with the approval of the board of supervisors, to establish, maintain, and enforce such quarantine, sanitary and other regulations as he may deem proper and necessary. He shall give to the duties of his office such time and attention as may be necessary to secure the general protection and advancement of all matters pertaining to the health and sanitary condition of the domestic live stock of his county.

ARTICLE X.

THE FISH AND GAME WARDEN.

Section 4149*b*. Appointment, removal, and bond.
 4149*c*. Duties of.
 4149*d*. Salary.

4149*b*. The board of supervisors of each county may, in the discretion of the board, at the first meeting thereof held in January, nineteen hundred and nine, and in January every two years thereafter, appoint a suitable person to serve for the period of two years from the date of his appointment as fish and game warden of the county. Such fish and game warden may be removed by the board of supervisors for intemperance, neglect of duty, or other good and sufficient reasons. Said fish and game warden shall, before entering upon the discharge of his duties, execute a bond with sureties in such sum as may be required by the board of supervisors, for the faithful and proper discharge of his duties as such fish and game warden.

Fish and
game
warden,
when
may be
appointed.

4149*c*. Said fish and game warden shall enforce the state laws, and all county and municipal ordinances relating to the protection of fish and game, and he shall be vested with all the powers of a peace officer to make arrests for the violation of such laws and ordinances. He shall report quarterly to the board of supervisors, giving a detailed statement of all arrests made, convictions had and fines collected, and a general statement in regard to the management of his office.

Duties of.

4149*d*. The salary and compensation of the fish and game warden shall be as follows: For counties of the second class, one hundred and twenty-five dollars per month; for counties of the first and third classes, one hundred dollars per month; for counties of the fourth, fifth and sixth classes, the sum of seventy-five dollars per month; for counties of the seventh, eighth, ninth and tenth classes, the sum of sixty dollars per month; and for all other classes from the eleventh to the fifty-seventh, inclusive, the sum of fifty dollars per month. In addition thereto said warden shall be allowed a sum not to exceed twenty-five dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

Salary.

CHAPTER VI.

JUDICIAL DEPARTMENT.

- ARTICLE I. The Superior Court.
 II. The Clerk of the Superior Court.
 III. The District Attorney.
 IV. The Sheriff.
 V. The County Clerk.
 VI. The Official Reporter.
 VII. The Public Administrator.
 VIII. The Justice's Court.
 IX. Constables.
 X. The Law Library.

ARTICLE I.

THE SUPERIOR COURT.

- Section 4150. Duties of judge of superior court.
 4151. Same, when grand jury is in session.

Judge of
superior
court,
duties.

4150. Each judge of the superior court must:

Perform such duties as are prescribed by the laws of the state and in this title.

Same, in-
structions
to grand
jury.

4151. It shall be the duty of the judge of the superior court of each and every county whenever a grand jury is impaneled, in addition to other matters requiring action, to call their attention to the provisions of Chapter I of this title, and to instruct them to ascertain by a careful and diligent investigation whether the provisions thereof have been complied with, and to note the result of such investigation in their report.

ARTICLE II.

THE CLERK OF THE SUPERIOR COURT.

- Section 4152. Duties of.

Clerk
of superior
court,
duties.

4152. The county clerk is an ex-officio clerk of the superior court, and shall perform the duties required of him by law, and such as may be prescribed by this title.

ARTICLE III.

THE DISTRICT ATTORNEY.

- Section 4153. Duties of.
 4154. Legal adviser of the board of supervisors.
 4155. Must not favor claims.
 4156. Must abate public nuisances when
 4156a. Other duties.

Duties
of district
attorney.

4153. The district attorney is the public prosecutor, and must:

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the superior court, or in civil cases on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give

advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought in his county against the state or his county wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

4154. The district attorney is the legal adviser of the board of supervisors. He must attend their meetings, when required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal.

Legal adviser of board of supervisors.

4155. The district attorney, except for his own services, must not present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another.

Must not favor claims.

4156. The district attorney may, and when directed by the board of supervisors must, bring a civil action in the name of the people of the State of California, to abate a public nuisance in his county.

Must abate nuisances, when.

4156a. The district attorney must perform such other duties as are required by law.

Other duties.

ARTICLE IV.

THE SHERIFF.

- Section 4157. Duties of.
- 4158. Process and notices.
- 4159. Return of, on process.
- 4160. Liability of.
- 4161. Neglect, or refusal to execute writ, penalty of.
- 4162. Neglect or refusal to pay over money, penalty of.
- 4163. Liable for escape of prisoners.
- 4164. Same.
- 4165. When not liable.
- 4166. Authority to execute a process, must be in writing.
- 4167. When office of, vacant.
- 4168. Must execute order.
- 4169. Officer to exhibit process.
- 4170. Must act as court crier.
- 4171. Service of process upon.
- 4172. Coroner to execute process, when.
- 4173. Elisors to serve process, when.
- 4174. Other duties of.
- 4175. Compensation of sheriffs for transporting prisoners.
- 4176. Compensation of sheriffs for transporting insane persons.

4157. The sheriff must:

1. Preserve the peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense.

Duties of sheriff.

Duties of
sheriff.

3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge.

4. Attend all superior courts held within his county, and obey all lawful orders and directions of all courts held within his county.

5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.

6. Take charge of and keep the county jail, and the prisoners therein.

7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.

8. Indorse upon all process and notices the year, month, day, hour, and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time when received.

9. Serve all process and notices in the manner prescribed by law.

10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

Process
to other
counties.

4158. When process or notices are returnable to another county, he may inclose such process or notice in an envelope, addressed to the officer from whom the same emanated, and deposit it in the post office, prepaying postage.

Return of,
on process.

4159. The return of the sheriff upon process or notices is prima facie evidence of the facts in such return stated.

Liability.

4160. If a sheriff does not return a process or notice in his possession, with the necessary indorsement thereon, without delay, he is liable to the party aggrieved for the sum of two hundred dollars, and for all damages sustained by him.

Penalty for
neglect to
execute
writ.

4161. If the sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

Same; to
pay over
money.

4162. If he neglects or refuses to pay over, on demand, to the person entitled thereto, any money which may come into his hands by virtue of his office (after deducting all legal fees), the amount thereof, with twenty-five per cent damages, and interest at the rate of ten per cent per month, from the time of demand, may be recovered by such person.

Liable for
escape of
prisoner.

4163. A sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

1. When the arrest is upon an order to hold to bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail.

2. When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment.

3. When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

4164. He is liable for the rescue of a person arrested in a civil action, equally as for an escape. Liable for rescue of prisoner.

4165. An action can not be maintained against the sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the sheriff. When not liable.

4166. No direction or authority by a party or his attorney to a sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney. Authority to execute process must be in writing.

4167. When the sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant. When office is vacant.

4168. A sheriff or other ministerial officer is justified in the execution of, and must execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued. Must execute orders.

4169. The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein. Officer to exhibit process.

4170. The sheriff in attendance upon court must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the court, and make proclamation of the opening and adjournment of the court, and of any other matter under its direction. Act as court crier.

4171. Service of a paper, other than process, upon the sheriff may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or, if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the sheriff unexecuted, in whole or in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the sheriff sells real estate, under and by virtue of an execution or order of court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale. Service of process upon sheriff.

4172. When the sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the sheriff to execute, must be executed by the When coroner to execute process.

coroner of the county; *provided*, when any action is begun against the sheriff, all process and orders may be served by any person, a citizen of the United States over the age of eighteen years, in the manner provided in the Code of Civil Procedure.

When elisor to execute process.

4173. Process or orders in an action or proceeding may be executed by a person residing in the county, designated by the court, or the judge thereof, and denominated an elisor, in the following cases:

1. When the sheriff and coroner are both parties;

2. When either of these officers is a party, and the process is against the other; and,

3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the court in which the proceeding is pending, or the judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice, or other cause, would not act promptly or impartially.

Compensation of elisor or coroner.

When process is delivered to an elisor, he must execute and return it in the same manner as the sheriff is required to execute similar process. Whenever process is executed, or any act performed by a coroner or elisor, in the cases provided by law in that behalf, such coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

Other duties.

4174. The sheriff must perform such other duties as are required by law.

Transporting prisoners, expenses.

4175. There shall be allowed by the state board of examiners, to the sheriff, to be retained by him for his own use, for delivering a prisoner to either of the state prisons, actual expenses and five dollars per diem for the time necessarily consumed in delivering such prisoner.

Transporting insane persons, expenses.

4176. There shall be allowed by the state board of examiners to the sheriff, to be retained by him for his own use, unless otherwise provided in this title, for delivering any insane person to either of the state hospitals for the care and treatment of the insane, his actual expenses and the same per diem as is allowed in the preceding section.

ARTICLE V.

THE COUNTY CLERK.

Section 4178. Duties of.
4179. Other duties of.

Duties of county clerk.

4178. The county clerk must:

1. Take charge of and safely keep, or dispose of according to law, all books, papers, and records which may be filed or deposited in his office.

2. Act as clerk of the board of supervisors and as clerk of the superior court, and attend each session thereof, and upon the judge at chambers, when required. Duties of county clerk.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees proper to be entered, unless the court shall order them to be entered at length; keep in the superior court a docket, in which must be entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof and a list of all the fees charged.

4. Keep for the superior court an index of all suits, labeled "General Index—Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page of Minute Book"; also an index, labeled "General Index—Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page in Order Book"; keep an index of the names of persons naturalized.

5. Keep as one of the records of his office a volume labeled "Bond and Surety Companies," each page of which must be divided into six columns appropriate to enter therein:

(1) The name of corporations engaged in this state in the business of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law;

(2) The name of the state, territory, or country under whose laws such corporation is organized;

(3) The date of certificate of authorization to such corporation to do business in this state;

(4) The date of surrender, revocation, cancellation, annulment, or suspension of such certificate;

(5) The date of the new authority to do business in this state;

(6) And one blank column.

And must enter in said volume the names of such corporations alphabetically arranged and any facts concerning such corporations certified to such county clerk by the insurance commissioner of this state.

6. Keep such other indices as may be required in the performance of the duties of his office.

4179. He must keep such other records and perform such other duties as are prescribed by law. Other duties.

ARTICLE VI.

THE OFFICIAL REPORTER.

Section 4180. Duties of.

4180. The official reporter shall perform the duties required of him by law, and such as may be prescribed in this title. Duties of reporter.

ARTICLE VII.

THE PUBLIC ADMINISTRATOR.

Section 4181. Duties of.

4182. Must keep register.

4183. Coroner must act as, when.

Duties of
public
adminis-
trator.

4181. The public administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three, of the Code of Civil Procedure, and shall perform such other duties as are required by law.

Keep a
register.

4182. It shall be the duty of the public administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him. The publication of the semi-annual report required to be made by the public administrator shall be a county charge.

When
coroner
must act as.

4183. If the public administrator of any county fails to qualify or in person fails to perform the duties of his office the coroner of such county shall be ex-officio public administrator, and in case both the public administrator and the coroner fail to qualify or to perform the duties appertaining thereto the board of supervisors shall appoint a suitable person as public administrator; and all laws applicable to the qualification, powers, duties and compensation of public administrators shall apply to the coroner or appointee of such board.

ARTICLE VIII.

THE JUSTICE'S COURT.

Section 4185. Duties of justice of the peace.

4186. Same—Must post statement of fees in his office.

Duties of
justice of
the peace.

4185. Justices of the peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

Must post
statement
of fees.

4186. It shall be the duty of each justice of the peace to prepare, and keep posted in a conspicuous place in his office, a plain and legible statement of the fees allowed by law to justices of the peace and constables, upon pain of forfeiting, for failure so to do, fifty dollars, to be recovered, with costs, by any person, before any other justice of the peace of the county.

ARTICLE IX.

CONSTABLES.

Section 4187. Duties of.

4188. Certain sections applicable to constables.

Duties of
constable.

4187. Constables must attend the courts of justices of the peace within their townships whenever so required, and within

their counties execute, serve and return all writs, processes and notices directed or delivered to them by justices of the peace of such county, or by any competent authority; *provided however*, that no constable shall have jurisdiction or authority to serve any writ, notice, or other process issued by any justice or justice's court of any township other than the justice or justice's court of the township in and for which he may be constable, without the boundaries of the township in and for which he is constable, and any service by a constable of any writ, notice, or other process issued by any justice or justice's court of any township other than the township in and for which he is duly elected and qualified constable, outside of the boundaries of the township in and for which he is such constable, shall be void. Constables shall charge and collect for their services such fees as are now or may hereafter be allowed.

4188. All provisions of sections forty-three hundred and nineteen, forty-one hundred and fifty-seven, forty-one hundred and fifty-eight, forty-one hundred and fifty-nine, forty-one hundred and sixty, forty-one hundred and sixty-one, forty-one hundred and sixty-two, forty-one hundred and sixty-three, forty-one hundred and sixty-four, forty-one hundred and sixty-five, forty-one hundred and sixty-six, forty-one hundred and sixty-seven, forty-one hundred and sixty-eight, forty-one hundred and sixty-nine, forty-one hundred and seventy, forty-one hundred and seventy-one, except the fourth and sixth subdivisions of section forty-one hundred and fifty-seven, apply to constables, and govern their powers, duties, and liabilities.

Certain sections applicable to.

ARTICLE X.

THE LAW LIBRARY.

- Section 4190. How established and governed; fund for, created.
 4191. For what purposes fund for may be used.
 4192. Trustees of, managers of board of.
 4193. Trustees of, how constituted.
 4194. Trustees to serve without compensation.
 4195. Trustees, duties and powers of.
 4196. Duties of auditor and treasurer on demand of trustees.
 4197. Trustees of, annual report of.
 4198. Supervisors to furnish room for.
 4199. Trustees, meeting and officers of.
 4200. Who entitled to privileges of.
 4201. Secretary of state to furnish publications to.
 4202. Librarian of supreme court library to furnish duplicates of books to.
 4203. Repeal of certain laws. Limitations on effect of this article.
 4204. May be discontinued, how.

4190. On the commencement in, or removal to, the superior court of any county in this state of any civil action, proceeding, or appeal, on filing the first papers therein, the party instituting such proceeding, or filing the said first papers, and thereafter any defendant or respondent or adverse party, or intervening party, on his first appearance therein (or any number of such defendants or respondents or adverse parties appearing jointly therein), shall pay to the clerk of said court (in addition to fees fixed by law), the sum of one dollar as costs, for a fund which shall be designated as the "Law Library

Law library, how established.

Fees for.

- Fund," to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the board of trustees hereinafter provided.
- Control.**
- Disposition of fund.**
- 4191.** All moneys collected as provided in the preceding section shall be paid by said clerk into the hands of the treasurer of his county, who shall keep the same separate and apart in the "Law Library Fund," and shall be drawn therefrom as in this article provided, but only to be used and applied to the purposes herein authorized.
- Government.**
- 4192.** Any law library established under the provisions of this act shall be governed and managed by the "Board of Law Library Trustees" in this article provided.
- Trustees of, how constituted.**
- 4193.** There shall be in every county of this state a board of law library trustees, consisting of five members, to be constituted as follows: In every county where there are only three superior court judges, the said judges shall be ex-officio such library trustees; the chairman of the board of supervisors shall be ex-officio such a trustee; and the board of supervisors shall appoint a member of the bar of the county to act as such trustee; such appointment shall be made at the first meeting of the board of supervisors after the establishment of a law library in such county, and the appointee shall serve until the first meeting of the board of supervisors in the succeeding January; and the said board shall, at any such meeting in each succeeding January, appoint such a trustee to serve for the term of one year. In every county where there are more than three judges of the superior court, the judges of such county shall elect three of their number to serve as such trustees, and otherwise said board shall be as provided in this section. In all counties where there are less than three judges of the superior court, the board shall be constituted as provided in this section, save that the board of supervisors shall appoint sufficient members of the bar to make up the requisite number of trustees.
- Office of, honorary.**
- 4194.** The office of trustee shall be honorary, and without salary or other compensation.
- Duties and powers of trustees.**
- 4195.** Such board of trustees, by a majority vote of all their members, to be recorded in the minutes, with the ayes and noes at length, shall have power:
- First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.
- Second—To remove any trustee, except an ex-officio trustee, who may neglect to attend the meetings of the board of trustees, or who may absent himself from such meetings, and fill all vacancies that may from any cause occur in the board.
- Third—To define the powers and prescribe the duties of any and all officers, determine the number, and elect all necessary

subordinate officers and assistants, and at their pleasure remove any officer or assistant.

Fourth—To purchase books, journals, publications, and other personal property.

Fifth—To order the drawing and payment, upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the law library fund, for any liability or expenditure herein authorized, and generally do all that may be necessary to carry into effect the provisions of this article.

Sixth—To fix the salaries of the librarian, secretary, and other subordinate officers and assistants.

Seventh—To contract with any existing law library association to make use of its library for the purposes of a public law library, under proper rules and regulations to be prescribed by the board of trustees, either by lease or such other contract as may best carry the purposes of this article into effect.

4196. The orders and demands of the trustees of any such public law library, when duly made and authenticated as above provided, shall be verified and audited by the auditing officer, and paid by the treasurer of such county out of the library fund properly belonging thereto, of which full entry and record shall be kept as in other cases.

Duties of auditor and treasurer.

4197. The said board of trustees, on or before the first Monday in December of each year, shall make an annual report to the board of supervisors of their county, giving the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals, and other publications on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing, and such other information as might be of interest. A financial report, showing all receipts and disbursements of money, shall also at the same time be made by the secretary of the board of trustees, duly verified by his oath.

Annual report of trustees.

4198. The board of supervisors of any such county shall provide a library-room for the use of such library, whenever such room may be demanded by such board of trustees.

Library room.

4199. The said board of trustees shall meet the first Tuesday of each month, and at such other times as they may appoint, at a place to be appointed for that purpose; and a majority of all their number shall constitute a quorum for business. They shall appoint one of their number as president of their board. They shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and a record and full minutes, in writing, of all their proceedings. They may appoint a librarian. The secretary may certify to such proceedings, or any part or portion thereof, under his hand, verified by an official seal, adopted and provided by the trustees for that purpose.

Meetings.

Officers.

4200. Said libraries shall be free to the judiciary, county officials, and members of the bar of said county, and to all

Who entitled to privileges of.

inhabitants of said county; but the board of trustees may provide that no books shall be removed from said libraries, except by the judiciary, county officials, and members of the bar, without the payment of such dues as the board of trustees may ordain, and under such rules or regulations as may be by them provided.

Secretary of state to furnish publications.

4201. The secretary of state is hereby authorized and directed to transmit to the county clerk of each county of the state, for the use of said library, a copy of each and every publication which may hereafter be made by this state, and especially a copy of each report of the decisions of the supreme court, district courts of appeal, and of the statutes of this state; and also a copy of all such reports and statutes heretofore published.

Supreme court library, duplicate books.

4202. The librarian of the supreme court library is hereby authorized and directed to distribute among the law libraries herein provided for such duplicates of books as may be in state library, and not needed for its own purposes.

Limitations on effect of this article.

4203. Wherever a law library, and a board of trustees to govern the same, is in existence under the provisions of any law, in any county, or city and county, in this state, this article shall not be considered a repeal of any legislation under which such library is established and now governed, but shall be deemed to confer upon such library the benefits of section forty-one hundred and ninety; *provided, however*, that it shall be discretionary with the board of supervisors of any county to provide by ordinance for the application of the provisions of this article to such county.

May be discontinued, how.

4204. Whenever the board of supervisors in any county in this state which shall have adopted the provisions of this article and have established a law library, desire to discontinue such law library, they shall by ordinance declare their intention so to do, and shall provide in such ordinance that the books already in the library shall be transferred to and kept in the chambers of the judges of the superior court of such county; and all moneys on hand in the library fund of such county shall be by the same ordinance transferred to the school fund of such county, and the office of the board of trustees of such law library shall be abolished. After such an ordinance shall take effect, the county clerk of such county shall not collect the fees provided for in section four thousand one hundred and ninety.

CHAPTER VII.

DEPARTMENT OF EDUCATION.

- ARTICLE I. The Superintendent of Schools.
- II. The Board of Education.
- III. The Schools.

ARTICLE I.

THE SUPERINTENDENT OF SCHOOLS.

Section 4208. Duties of.

Duties of superintendent of schools.

4208. The superintendent of schools must perform such duties as are prescribed in Title III, Part III, of this code, and shall perform such other duties as are required by law.

ARTICLE II.

THE BOARD OF EDUCATION.

Section 4209. Duties of.

4209. The board of education shall have the powers and perform the duties prescribed by law. Duties of board of education.

ARTICLE III.

THE SCHOOLS.

Section 4210. School department, what constitutes.

4210. The school department shall comprise such public schools as are established and provided for in Chapter III, Title III, Part III, of this code. What constitutes school department.

CHAPTER VIII.

DEPARTMENT OF PUBLIC WORKS.

ARTICLE I. The Surveyor.
II. Road Commissioners.

ARTICLE I.

THE SURVEYOR.

Section 4214. Duties of.

- 4215. Same.
- 4216. Other duties and fees of.
- 4217. Must assist surveyor-general, when.
- 4218. Ex-officio deputy recorder, when, and duties of.
- 4219. Surveys of county roads by.
- 4220. Other duties of.
- 4221. Courses to be run by true meridian; variation to be noted.

4214. The surveyor must be a licensed land surveyor of the state, and must make any survey that may be required by order of court or of the board of supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey, and endorse thereon its proper number; a copy of the same, and a fair and accurate plat, together with a certificate of survey, must, upon application, be furnished by him to any person, upon payment of the fees allowed by law. Duties of surveyor.

4215. Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situated, and on such application being made, the surveyor must make the survey, which is as valid as though the lands were situated entirely within the county. Lands divided by county lines.

4216. When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey. Disputed titles, duties of surveyor.

Must assist
surveyor-
general,
when.

4217. The surveyor must, when required, aid and assist the surveyor-general in making surveys within the county. When the surveyor is interested in any land, the title to which is in dispute, and a survey thereof is necessary, the court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the surveyor would be entitled to for similar service.

Ex-officio
deputy
recorder,
when.

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

Assessors'
block
books.

Surveys
of county
roads.

4219. The surveyor shall make such surveys of county roads, and perform such other engineering work as the board of supervisors may direct. All such maps and field notes of surveys shall be filed in the office of the surveyor, and the same shall thereafter be and remain the property of the county. It shall be the duty of the surveyor to advise the board of supervisors regarding all engineering work, and to perform such engineering work for the county as may be required by the board of supervisors.

Copy of
field
notes to
surveyor-
general.

4220. Each surveyor, immediately after making any survey, except surveys of city or town lots, must make out a copy of the field-notes and plat, and transmit the same to the surveyor-general, indicating plainly upon the plat at what point of any line any river or stream or county line is touched or crossed. He must communicate to the surveyor-general such information concerning surveys made by him, and other matters connected with the duties of his office, as may be required.

Courses,
how
to be run.

4221. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey.

ARTICLE II.

THE ROAD COMMISSIONERS.

Section 4222. Duties of.

4222. The road commissioners must perform the duties required of them by law and the ordinances or orders of the board of supervisors. Duties of road commissioners.

CHAPTER IX.

DEPARTMENT OF HEALTH.

- ARTICLE I. The County Hospital.
- II. The Almshouse and County Farm.
- III. Health Officers.
- IV. Matron of County Jail.

ARTICLE I.

COUNTY HOSPITAL.

Section 4223. Duties of supervisors concerning.

4223. The board of supervisors in each county may establish and maintain a county hospital, prescribe the rules for the government and management thereof, and appoint a county physician and the necessary officers and employes thereof, who shall hold office during the pleasure of the board. County hospital, duties of supervisors.

ARTICLE II.

THE ALMSHOUSE AND COUNTY FARM.

Section 4224. Supervisors may establish almshouse and county farm.

4224. The supervisors may establish almshouses and county farms, prescribe the rules and regulations of the government and management of the same, and appoint the necessary officers and employes thereof, who shall hold office during the pleasure of the board. County farms, officers and employes.

ARTICLE III.

HEALTH OFFICERS.

Section 4225. Supervisors may appoint health officers.

4225. They may appoint in each county, a health officer, who shall be deemed an employe and not a county officer, and whose duty it shall be to enforce all orders and ordinances of the board of supervisors, pertaining to sanitary matters, and all orders, quarantine regulations, and rules prescribed by the state board of health, and all statutes relating to vital statistics. He shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county. He shall be a graduate of a medical college of good standing and repute, and shall hold office for a term of one year, and receive for his services, unless in this title otherwise provided, a compensation not to exceed six hundred dollars per annum. Health officer may be appointed. Compensation.

The board of supervisors shall adopt orders and ordinances necessary for the preservation of the public health of the county, not in conflict with general laws, and provide for the payment of all expense incurred in enforcing the same.

Health officer for unincorporated town.

Compensation.

For any unincorporated town, when public necessity requires such action, the board of supervisors may appoint a special health officer, who shall, in such town, under the supervision of the county health officer, exercise all necessary diligence in executing the ordinances, rules, and regulations of the board of supervisors, or the state board of health, relating to health and sanitary matters. His term of office and compensation shall be fixed by the board of supervisors, and he shall receive as his compensation for services, unless in this title otherwise provided, not to exceed one hundred dollars in any one year.

ARTICLE IV.

MATRON OF THE COUNTY JAIL.

Section 4226. Sheriff to appoint matron of county jail in certain counties.

Jail matron in counties of 1st, 2d, 3d, and 4th classes.

Duties and powers.

Term of office.

Sheriff to appoint.

Bond.

Compensation.

4226. Public welfare and present necessity, in the counties of the classes named in this section, requiring that in counties of the first, second, third, and fourth classes in this state there should be an official matron of the several county jails therein, to have the powers and to discharge the duties specified in this section, the office of matron of the county jail, in and for each of the counties of the classes above named, is hereby created, and the duties and powers of the matron of such several county jails shall be as follows: She shall have free access at all reasonable times to the immediate presence of all female prisoners in the county jail of which she is the matron, including the right of personal visitation and conversation with them; and, in all cases of searching the person of female prisoners in such jail, the matron exclusively shall make such search; and the matron shall by example, advice, and admonition employ her best abilities to secure and promote the health, welfare, and reformation of all such prisoners. The term of office of such matron shall be two years from her appointment and qualification and until her successor is appointed and qualified. The sheriff of each county (of the classes above named) is hereby authorized and empowered to appoint, and the board of supervisors to provide for the payment of the compensation of, a matron of the county jail of the county of which they are such board, and to specify the conditions, and fix the amount of the matron's official bond, to be approved by such board. The monthly compensation of such matron in the several counties of the classes above mentioned (regulated hereby in proportion to the duties to be discharged) shall be as follows, payable monthly: In counties of the first class, seventy-five dollars; in counties of the second class, seventy-five dollars; in counties of the third class, seventy-five dollars; in counties of the fourth class, seventy-five dollars. No officer, deputy, jailer, keeper, guard, or person having charge or control of any such county jail shall refuse the duly appointed and qualified

matron thereof free access at all reasonable times to the immediate presence of all female prisoners therein, including the right of visitation and conversation with them, or in such jail allow the searching of the person of a female prisoner to be made except by the matron of such jail, or obstruct the performance by the matron of her official duties in such jail.

CHAPTER X.

SALARIES AND FEES OF OFFICE.

- ARTICLE I. Counties of the first class.
 II. Counties of the second class.
 III. Counties of the third class.
 IV. Counties of the fourth class.
 V. Counties of the fifth class.
 VI. Counties of the sixth class.
 VII. Counties of the seventh class.
 VIII. Counties of the eighth class.
 IX. Counties of the ninth class.
 X. Counties of the tenth class.
 XI. Counties of the eleventh class.
 XII. Counties of the twelfth class.
 XIII. Counties of the thirteenth class.
 XIV. Counties of the fourteenth class.
 XV. Counties of the fifteenth class.
 XVI. Counties of the sixteenth class.
 XVII. Counties of the seventeenth class.
 XVIII. Counties of the eighteenth class.
 XIX. Counties of the nineteenth class.
 XX. Counties of the twentieth class.
 XXI. Counties of the twenty-first class.
 XXII. Counties of the twenty-second class.
 XXIII. Counties of the twenty-third class.
 XXIV. Counties of the twenty-fourth class.
 XXV. Counties of the twenty-fifth class.
 XXVI. Counties of the twenty-sixth class.
 XXVII. Counties of the twenty-seventh class.
 XXVIII. Counties of the twenty-eighth class.
 XXIX. Counties of the twenty-ninth class.
 XXX. Counties of the thirtieth class.
 XXXI. Counties of the thirty-first class.
 XXXII. Counties of the thirty-second class.
 XXXIII. Counties of the thirty-third class.
 XXXIV. Counties of the thirty-fourth class.
 XXXV. Counties of the thirty-fifth class.
 XXXVI. Counties of the thirty-sixth class.
 XXXVII. Counties of the thirty-seventh class.
 XXXVIII. Counties of the thirty-eighth class.
 XXXIX. Counties of the thirty-ninth class.
 XL. Counties of the fortieth class.
 XLI. Counties of the forty-first class.
 XLII. Counties of the forty-second class.
 XLIII. Counties of the forty-third class.
 XLIV. Counties of the forty-fourth class.
 XLV. Counties of the forty-fifth class.
 XLVI. Counties of the forty-sixth class.
 XLVII. Counties of the forty-seventh class.
 XLVIII. Counties of the forty-eighth class.
 XLIX. Counties of the forty-ninth class.
 L. Counties of the fiftieth class.
 LI. Counties of the fifty-first class.
 LII. Counties of the fifty-second class.
 LIII. Counties of the fifty-third class.
 LIV. Counties of the fifty-fourth class.
 LV. Counties of the fifty-fifth class.
 LVI. Counties of the fifty-sixth class.
 LVII. Counties of the fifty-seventh class.
 LVIII. General provisions relating to salaries and fees.
 LIX. Regulations concerning fees.
 LX. Fees of officers.
 LXI. The salary fund.

ARTICLE I.

COUNTIES OF THE FIRST CLASS.

Section 4230. Salaries and fees of officers of.

Salaries in
counties of
first class
(San Fran-
cisco).

4230. In counties of the first class the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries and fees fixed by law as compensation; *provided*, that this shall not be construed as adding additional compensation to any officer.

ARTICLE II.

COUNTIES OF THE SECOND CLASS.

Section 4231. Salaries and fees of officers of.

Salaries in
counties of
second
class (Los
Angeles).

4231. In counties of the second class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks, deputies and employés who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; one deputy who shall be cashier and bookkeeper, at a salary of one hundred fifty dollars per month; one deputy who shall be register clerk at a salary of one hundred thirty-five dollars per month; one deputy who shall be an assistant register clerk at a salary of one hundred and ten dollars per month; one deputy, who shall be clerk of the board of supervisors, at a salary of one hundred fifty dollars per month; nine deputies who shall be court-room clerks, at salaries of one hundred twenty-five dollars each per month; one deputy who shall be judgment clerk at a salary of one hundred twenty-five dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred ten dollars per month; one deputy who shall be a file clerk at a salary of one hundred ten dollars per month; one deputy who shall be an index clerk at a salary of one hundred ten dollars per month; one deputy who shall be in charge of the criminal records, at a salary of one hundred ten dollars per month; two deputies who shall be recording clerks for probate orders at a salary of one hundred fifteen dollars each per month; one deputy who shall be an assistant clerk of the board of supervisors at a salary of one hundred ten dollars per month; one deputy who shall be a stenographer at a salary of one hundred dollars per month; one deputy who shall be a stenographer for the board of supervisors at a salary of one hundred dollars per month; one deputy who shall be a miscellaneous department clerk at a salary of one hundred twenty-five dollars per month; one deputy who shall be in charge of the registration and natu-

ralization department at a salary of one hundred twenty-five dollars per month; six deputies at a salary of one hundred dollars each per month; one messenger and telephone boy at a salary of sixty dollars per month; one deputy at a salary of twenty-five dollars per month; ten deputies, for a period not to exceed one month in any one year at a salary of seventy-five dollars per month each; *provided, further*, that in such years as the compilation of the great register of voters is required by law to be made, the county clerk in counties of this class shall be and he is hereby allowed one hundred and fifty deputies for a period not to exceed one month each in any such year, at a salary of ninety dollars per month each, and also for any such year one additional deputy in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid five cents per name for each elector legally registered by them. The salaries of the deputies, clerks and employés herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county clerk is paid.

Salaries in counties of second class (Los Angeles).

2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff an under sheriff and the following deputies, stenographers and employés, who shall be appointed by the sheriff of said county and shall be paid salaries as follows, to wit: One under sheriff, at a salary of two hundred dollars per month; one deputy, who shall be bookkeeper, at a salary of one hundred fifty dollars per month; one deputy, who shall be an assistant bookkeeper, at a salary of one hundred ten dollars per month; two deputies at a salary of one hundred thirty-five dollars per month each; one cook at the county jail at a salary of seventy dollars per month; fourteen deputies at a salary of one hundred dollars each per month; nine deputies, who shall be court bailiffs, at a salary of ninety dollars each per month; five deputies, who shall be turnkeys at the county jail, at a salary of ninety dollars each per month; one matron of the county jail at a salary of seventy-five dollars per month; one stenographer at a salary of seventy-five dollars per month. The salaries of the under sheriff, matron, cook and all deputies and stenographers herein provided for, shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said

Salaries in
counties of
second
class (Los
Angeles).

county and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred seventy-five dollars per month; one deputy at a salary of one hundred thirty-five dollars per month; two deputies at a salary of one hundred twenty-five dollars each per month; seven deputies at a salary of one hundred ten dollars each per month; twenty deputies at a salary of one hundred dollars each per month, and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio, for recording any instrument or notice, except maps or plats; for copies of any record or paper, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following deputies, clerks and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; one deputy who shall be in charge of the redemption department at a salary of one hundred thirty-five dollars per month; one deputy in the redemption department at a salary of one hundred thirty dollars per month; one deputy in the redemption department at a salary of one hundred twenty dollars per month; one deputy who shall be chief bookkeeper, at a salary of one hundred fifty dollars per month; one deputy who shall be an assistant bookkeeper, at a salary of one hundred twenty-five dollars per month; one deputy at a salary of one hundred fifteen dollars per month; two deputies at a salary of one hundred dollars each per month; sixty-five clerks at a salary of four dollars per day each for each day employed for a period not to exceed thirty days in any one year; and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed seventeen hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assistants herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the auditor is paid.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer the following deputies who shall be appointed by the treasurer, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; one deputy at a salary of one hundred thirty-five dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the treasurer is paid.

6. The tax collector, three thousand six hundred dollars per

annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector, the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; one deputy who shall be chief clerk, at a salary of one hundred twenty-five dollars per month; one deputy, who shall be assistant chief clerk, at a salary of one hundred ten dollars per month; one deputy who shall be cashier, at a salary of one hundred twenty-five dollars per month; one deputy who shall be assistant cashier, at a salary of one hundred dollars per month; two deputies who shall be correspondence clerks, at a salary of one hundred twenty dollars each per month; one deputy who shall be license clerk, at a salary of one hundred ten dollars per month; two deputies who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy who shall be chief report clerk, at a salary of one hundred twenty-five dollars per month; three deputies who shall be report clerks, at a salary of one hundred ten dollars each per month; one deputy who shall be book-keeper, at a salary of one hundred ten dollars per month; ten deputies, at a salary of one hundred dollars each per month; two deputies who shall be sale and redemption clerks, at a salary of one hundred dollars each per month; one deputy who shall be map clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be a stenographer, at a salary of seventy-five dollars per month; sixty-five clerks for a period not to exceed six months during the year 1907, at a salary of four dollars per day for each day employed; and for any year subsequent to the year 1907, eighty clerks for a period not to exceed six months in any one year, at a salary of four dollars per day each for each day employed; and also such additional assistants as the tax collector may require in preparing a property index; the compensation of which assistants, however, shall not exceed in the aggregate the sum of two thousand dollars during the year 1907, and like assistants in any year subsequent thereto for the revision and maintenance of said property index, whose compensation for any year after the year 1907 shall not exceed in the aggregate one thousand dollars for any such year. The tax collector shall also be allowed and there is hereby allowed a sum not to exceed four hundred dollars for traveling expenses of said license tax collector each year. The salary of the deputies, clerks, assistants, and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid.

Salaries in
counties of
second
class (Los
Angeles).

7. The district attorney, five thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the district attorney, the following deputies, employés, and assistants, who shall be appointed by the district attorney of said county and who shall be paid salaries

Salaries in
counties of
second
class (Los
Angeles).

as follows: One assistant district attorney at a salary of two hundred seventy-five dollars per month; one chief deputy at a salary of two hundred fifty dollars per month; four deputies at a salary of two hundred twenty-five dollars each per month; four deputies at a salary of two hundred dollars each per month; one clerk at a salary of one hundred fifty dollars per month; two detectives at a salary of one hundred thirty-five dollars each per month; two process servers at a salary of one hundred dollars each per month; one stenographer at a salary of one hundred fifty dollars per month; one stenographer at a salary of one hundred dollars per month; one messenger at a salary of sixty dollars per month; the auditor shall audit and allow, and the treasurer shall pay to the district attorney the sum of fifty dollars per month on the first of each month, which shall be for a secret service fund to be used in detection and prevention of crime by the district attorney; *provided, however*, that nothing contained in this subdivision shall be construed as limiting the provisions of section four thousand three hundred and seven; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel, when, in the judgment of said board, the interests of said counties require it. The salaries of the assistants, deputies, clerks, stenographers, special counsel, detectives, and employes herein provided for, shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the district attorney.

8. The assessor, 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 assessor the following deputies, clerks, stenographers and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred seventy-five dollars per month; one head deputy, country department, at a salary of one hundred twenty-five dollars per month; one head deputy, city department, at a salary of one hundred twenty-five dollars per month; two improvement valuation deputies at a salary of one hundred twenty dollars each per month; one real estate valuation deputy at a salary of one hundred twenty dollars per month; one machinery valuation deputy at a salary of one hundred twenty dollars per month; six deputies at a salary of one hundred dollars each per month; four transfer deputies at a salary of one hundred dollars each per month; forty-five field deputies for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; thirty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; eighteen field deputies for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; nine field deputies for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; ten copyists at a salary of

seventy-five dollars each per month; seven copyists for a period not exceeding four months in any one year, at a salary of seventy-five dollars each per month; forty copyists for a period not exceeding three months in any one year, at a salary of seventy-five dollars each per month; eight comparers, for a period not exceeding four months in any one year, at a salary of eighty dollars each per month; eight comparers, for a period not exceeding two months in any one year, at a salary of ninety dollars each per month; two deputies, who shall be photographers, at a salary of one hundred and twenty dollars each per month; one stenographer at a salary of seventy-five dollars per month; there is also allowed not to exceed five hundred dollars for traveling expenses of the said assessor or his deputies each year. The salaries of the deputies, stenographer, clerks, and copyists herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. *It is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state and be and remain the property of such counties.

Salaries in counties of second class (Los Angeles).

9. The coroner, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat. He must hold inquests as prescribed by Chapter II, Title XII, Part II, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be and he hereby is allowed the following assistants: one deputy at a salary of two hundred dollars per month; said deputy shall have the power and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one stenographer at a salary of one hundred dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests, and shall transcribe the same into longhand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred twenty-five dollars per month. The salaries of the deputy, clerk and stenographer herein provided for shall be paid by the county in the same manner, at the same time and out of the same fund as the salary of the coroner is paid.

Salaries in
counties of
second
class (Los
Angeles).

10. The public administrator, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the public administrator one deputy at a salary of one hundred and fifty dollars per month. The salary of said deputy shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the public administrator.

11. The superintendent of schools, three thousand six hundred dollars per annum, which shall be in full for all services, including attendance upon the board of education, also actual necessary traveling expenses, not to exceed five dollars for every school district in the county; *provided*, that in counties of this class there shall be and there hereby is allowed the superintendent of schools the following assistants and deputies who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: Two assistants at a salary of one hundred seventy-five dollars each per month; two deputies at a salary of one hundred twenty-five dollars each per month; two deputies at a salary of one hundred dollars each per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

12. The health officer, fifteen hundred dollars per annum, and special health officers when appointed as in this title provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salaries of the health officer and special health officers shall be paid by the county in the same manner and at the same time and out of the same fund as the salaries of county officers are paid.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in any one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field, and all necessary expenses for searching records and compiling assessor's maps; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor, one chief deputy who shall be a licensed engineer, and fifteen deputies who shall be draughtsmen, and who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy at a salary of two hundred fifty dollars per month;

one deputy at a salary of one hundred fifty dollars per month; seven deputies at a salary of one hundred twenty-five dollars each per month; five deputies at a salary of one hundred dollars each per month; two deputies at a salary of ninety dollars each per month. The salaries of said surveyor and said deputies and draughtsmen herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county surveyor is paid.

Salaries in counties of second class (Los Angeles).

14. Supervisors, one thousand eight hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the state board of equalization; *and provided further*, that there shall be and hereby is allowed to said board of supervisors the following clerks: One clerk at a salary of one hundred twenty-five dollars per month; one clerk at a salary of one hundred ten dollars per month; one clerk at a salary of one hundred dollars per month; one clerk when needed, as emergency clerk, at a salary of one hundred dollars per month; one clerk who shall be superintendent of charities at a salary of one hundred ten dollars per month; one at a salary of ninety dollars per month; one clerk of charities, clerk who shall be assistant to the superintendent who shall be assistant to the superintendent of charities at a salary of eighty-five dollars per month; one clerk who shall be stenographer for the department of charities at a salary of seventy dollars per month; twenty clerks for a period not exceeding thirty days in any one year at a salary of four dollars each for each day actually employed to assist said board while sitting as a board of equalization; and in addition to the clerks hereinbefore provided for, in years when a general election is held in the state, there shall be and hereby is allowed to said board of supervisors twenty clerks for a period not to exceed twenty days in such years, at a compensation of four dollars each per day for each day actually employed; such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time, and out of the same fund as other clerks of the county officers are paid; *and still further provided*, that from and after the first Monday after the first day of January in the year one thousand nine hundred and nine, supervisors in counties now of this class shall receive as compensation for the services required of them by law, a salary of two thousand four hundred dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioners or supervisors not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the state board of equalization.

Fees of
justices of
the peace.

Monthly
report.

15. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment, to said board, with the said report; *provided further*, that the boards of supervisors of such counties in townships having a population of more than one hundred thousand, shall provide each such justice with an office and the necessary furniture and supplies for the justice's court; and *provided further*, that the boards of supervisors in said counties shall, in townships having a population of more than one hundred thousand, appoint a clerk for each justice court therein which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars each per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner, as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices. And *provided further*, that in townships having a population of more than one hundred thousand and less than three hundred thousand each justice of the peace shall receive a salary of three thousand dollars per year, payable in like manner and out of the same fund and at like times as county officers are paid, and such salary shall be in lieu of all fees due or to become due such justice for performance of any official act. And all fees together with all fines and penalties paid to such justice or into such court shall be and become the property of the county in which such justice exercises his jurisdiction.

Fees of
constables.

16. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand two hundred dollars per annum, which may

be paid in monthly installments of not exceeding one hundred dollars per month for all services rendered by him in all criminal cases or in actions or proceedings to which the people of the State of California are, or may be, made parties; and all fees collected by such constable on account of services rendered in criminal cases or proceedings, to which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *provided further*, that the constable shall be allowed the actual fare and expenses incurred in transporting prisoners to the county jail; *and provided further*, that in counties of this class and in townships having more than one hundred thousand inhabitants, and less than three hundred thousand, there shall be, and there is hereby allowed to each of the four constables of each township, one deputy who shall be appointed by the constable, and shall receive a salary of one hundred dollars per month, payable in like manner and at like times, and out of the same fund as the county officers are paid by the county; said deputies shall each take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county, the amount of all fees collected by him for all services rendered in all criminal cases, or in actions or proceedings to which the people of the State of California are, or may be, made parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him on account of the aforesaid. He shall also transmit the treasurer's receipt for said payment, to said board with said report.

Monthly reports.

ARTICLE III.

COUNTIES OF THE THIRD CLASS.

Section 4232. Salaries and fees of officers of.

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

Salaries in counties of third class (Alameda).

1. The county clerk, four thousand (\$4,000.00) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one judgment clerk whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one assistant judgment clerk whose salary is hereby fixed at the sum of twelve hundred dollars per annum; five court-room deputies whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one index clerk whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one document clerk whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk to the board of

Salaries in
counties of
third class
(Alameda).

supervisors whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; four deputies whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; four copyists whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and two stenographers whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; all of the foregoing deputies, clerks, copyists, and stenographers herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk; *provided, further*, that in such years as the compilation of a great register of voters is required by law to be made the county clerk in counties of this class shall be and he is hereby allowed the following additional help: One clerk for a period of and not exceeding six months whose salary is hereby fixed at one hundred and twenty-five dollars per month; ten clerks for a period of and not exceeding six months whose salaries are hereby fixed at one hundred dollars per month each; such clerks shall be appointed by the county clerk of such counties, and during their respective period of employment their salaries shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such counties.

2. The sheriff, four thousand (\$4,000.00) dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff, one under sheriff whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one bookkeeper, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one chief jailer whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two assistant jailers, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; five bailiffs, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one office deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one matron for the jail, whose salary is hereby fixed at the sum of nine hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided further*, that the under sheriff, bookkeeper, chief jailer, office deputy, assistant jailers, bailiffs, matron for jail, and stenographer, 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; *provided further*, that in counties of this class there shall be and there hereby is allowed to the sheriff for the better protection of the county jail, three deputies who shall be known as turnkeys, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; and for the purpose of assisting the sheriff in the apprehension of criminals and recovering stolen prop-

erty, there is hereby allowed the sheriff a detective, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; and for the purpose of conveying prisoners and insane persons to the various state institutions, there is hereby allowed to the sheriff two deputies to be known as transportation men, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; *provided further*, that the turnkeys, detective and transportation men, shall be appointed by the sheriff, and their salaries shall be paid by said county in equal 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 within his county, 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; *provided further*, that the provisions of this subdivision of this section with reference to the turnkeys, detective and transportation men shall be in force from and after its passage.

Salaries in
counties of
third class
(Alameda).

3. The recorder, four thousand (\$4,000.00) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries and compensation as follows: one chief deputy at a salary of eighteen hundred dollars per annum; one index deputy whose salary is hereby fixed at fifteen hundred dollars per annum; three deputies whose salaries are hereby fixed at twelve hundred dollars per annum each; one mortgage deputy whose salary is hereby fixed at twelve hundred dollars per annum; one distributing clerk whose salary is hereby fixed at twelve hundred dollars per annum; one delivery clerk whose salary is hereby fixed at twelve hundred dollars per annum; and one general clerk whose salary is hereby fixed at twelve hundred dollars per annum; *provided further*, that the chief deputy, index deputy, three deputies, mortgage deputy, distributing clerk, delivery clerk and general clerk herein provided for shall be appointed by the recorder 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 fund as the salary of the recorder; *provided further*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office, at the rate of eight cents per folio for each paper or document so recorded; *and provided further*, that said recorder shall file monthly, with the county auditor, a verified statement, showing in detail the persons and the amounts paid to each for such recording.

4. The auditor, thirty-six hundred (\$3,600) dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the auditor one chief deputy, who shall be appointed by the auditor of said county, and whose

Salaries in
counties of
third class
(Alameda).

salary is hereby fixed at the sum of eighteen hundred dollars per annum; one redemption deputy who shall be appointed by the auditor of said county and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; three deputies who shall be appointed by the auditor of said county and whose salaries are hereby fixed at the sum of twelve hundred dollars per annum; and one stenographer who shall be appointed by the auditor of said county and whose salary is hereby fixed at the sum of nine hundred dollars per annum; and such additional assistance as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of two thousand dollars per annum; *and provided*, that the auditor shall file with the county clerk a certified statement showing in detail the amounts paid, and the persons to whom said compensation is paid for such extra assistance as aforesaid. 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 is the salary of the auditor.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one chief deputy whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; and one deputy whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; and one deputy whose salary is hereby fixed at the sum of twelve hundred dollars per annum, 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 the salary of the treasurer; *provided*, that the chief deputy and the two deputies herein provided for shall be appointed by the treasurer of such county.

6. The tax collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; three deputies whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and one stenographer whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed five months in any one year, at a salary of one hundred dollars per month each; two extra deputies for a period not to exceed four months in any one year at a salary of one hundred dollars per month each; one extra deputy for a period not to exceed three months in any one year at a salary of one hundred dollars per month; one extra deputy for a period not to exceed two months in any one year at a salary of one hundred dollars per month, and seven extra deputies for a period not to exceed one month in any one year at a salary of one hundred dollars each for said month; *provided further*, that in counties of this class the tax collector shall appoint six persons to be known as indexers, which office

is hereby created and whose duty it shall be under the supervision and direction of the tax collector to compile, make out, and complete an index of the assessment rolls of the county and of the sanitary assessment rolls for each sanitary district in the county of Alameda, yearly, commencing with the year of 1907 as soon as said rolls are completed by the assessor of the county and each assessor of said sanitary districts, and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax collector during the collection of taxes and to be turned over to the auditor at the same time as the assessment rolls are turned over in the final settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided further*, that the chief deputy, the stenographer and all other deputies herein provided for shall be appointed by the tax collector of said county and the salaries of said chief deputy, stenographer, and all deputies herein provided for shall be paid by said county during the time which they shall hold office as herein provided at the time and in the same manner and out of the same fund as the salary of the tax collector.

Salaries in counties of third class (Alameda).

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

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and shall be paid salaries as follows: one chief deputy assessor at twenty-four hundred dollars per annum; one deputy assessor at fifteen hundred dollars per annum, one deputy assessor at fifteen hundred dollars per annum; one mortgage deputy assessor at twelve hundred dollars per annum; one transfer deputy assessor at twelve hundred dollars per annum; seven outside field deputy assessors at one hundred and twenty-five dollars each per month, not exceeding six months in any one year; one stenographer at nine hundred dollars per annum; one stenographer at six hundred dollars per annum; six field deputy assessors for not exceeding four months in any one year, at one hundred dollars each per month; one cashier, for not exceeding seven months in any one year, at a salary of one hundred and twenty-five dollars per month; eight copyists, for not exceeding four months in any one year, at a salary of one hundred dollars each per month; five extra deputy assessors for not exceeding four months in any one year, at a salary of one hundred dollars each per month, and such additional assistance as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of forty-five hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for

Salaries in
counties of
third class
(Alameda).

such extra assistance, as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *and provided further*, that in counties of this class the assessor shall appoint eight competent persons to be known as building inspectors, two of such building inspectors shall serve for twelve months and six of whom shall serve for six months in any one year, which office is hereby created, and whose duty it shall be, under the supervision and direction of the assessor, to examine all buildings in course of construction, ascertain the cost of materials used therein and the amount expended for labor thereon, up to twelve o'clock noon on the first Monday in March of each year: also to ascertain the amount of all new telephone and telegraph construction; also all new street railway construction and all new railroad construction, up to twelve o'clock noon on the first Monday in March of each year. All of said information shall be reported to the assessor. Such building inspectors shall be paid a salary of one hundred and twenty-five dollars each per month, payable at the same time and in the same manner as other county officers are paid. *It is hereby further provided*, that in counties of this class the assessor shall receive commissions for his collections of taxes on personal property, and such assessor shall receive compensation or commission for the collection of poll taxes or road poll taxes, but the said assessor shall not receive compensation for making out the military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats or block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats or block books, or assessment rolls, but shall only receive the actual cost by him incurred in making or preparing such maps, plats or 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 or block books, or assessment rolls, and he shall account forthwith and pay over to the county any difference between such cost and the amount allowed him for such work.

9. The district attorney, four 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 assistant, deputies and employés, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney at a salary of three thousand dollars per annum; one chief deputy district attorney at a salary of two thousand dollars per annum; four deputy district attorneys at a salary of eighteen hundred dollars each per annum; one clerk at a salary of twelve hundred dollars per

annum; two stenographers at a salary of nine hundred dollars each per annum; one detective at a salary of fifteen hundred dollars per annum, who shall assist the district attorney in the detection of crime and prosecution of criminal cases; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interest of said county requires it. The salaries of the assistant, deputies, clerk, stenographers, detective and special counsel in this subdivision 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 district attorney.

Salaries in counties of third class (Alameda).

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided*, that the coroner shall be paid by such counties in the same manner and out of the same fund as such fees are now paid, the sum of two dollars for each certificate of the cause of death made by him.

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

12. The superintendent of schools, four thousand dollars per annum; *provided*, that in counties of this class, there shall be and hereby is allowed to the superintendent of schools, one assistant superintendent of schools, one chief deputy superintendent of schools, and one deputy superintendent of schools, all of whom shall be appointed by the superintendent of schools of said county and whose salaries shall be as follows: The salary of the assistant superintendent of schools shall be one hundred and fifty dollars per month; the salary of the chief deputy superintendent of schools shall be one hundred and twenty-five dollars per month, and that of the deputy superintendent of schools shall be one hundred and twenty-five dollars per month. The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

13. The surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that whenever the surveyor is directed or charged to make, plat, trace or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such county surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats or block books, a compensation to be determined by the board of supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; *and provided further*, that such county surveyor shall file with the county auditor a sworn statement showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expenses as aforesaid.

14. Justices of the peace shall receive the following monthly salaries to be paid each month and in the manner and out of

Salaries and fees of justices of the peace.

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 nineteen thousand, two hundred and twenty-five dollars; and each justice of the peace in townships having a population of more than nineteen thousand shall be provided by the board of supervisors with a suitable office in which to hold his court, at an expense of not to exceed twenty-five dollars per month, the location of which is to be selected by the justice of the peace; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and fifteen dollars; in townships having a population of one thousand and less than fifteen thousand, seventy-five dollars. In addition to the compensation received in criminal cases each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions; *provided*, that in townships containing a population of more than nineteen thousand there shall be but one justice in and for such townships. Each justice of the peace must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury or city treasury as provided by law.

Salaries
and fees of
constables.

15. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, one hundred and fifty dollars; in townships having a population of more than nineteen thousand and not more than twenty-five thousand, ninety dollars; in townships having a population of fifteen thousand and less than nineteen thousand, ninety dollars; in townships having a population of one thousand and not more than fifteen thousand, eighty-five dollars; *provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable. 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 manner as are other claims.

Salaries
of super-
visors.

16. Each supervisor, two hundred and twenty-five dollars per month; *provided, however*, that no mileage of whatever kind or nature shall be charged against the county.

ARTICLE IV.

COUNTIES OF THE FOURTH CLASS.

Section 4233. Salaries and fees of officers of.

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 office the following salaries, to wit:

Salaries in counties of fourth class (Santa Clara).

1. The county clerk thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk two deputy county clerks who shall receive a salary of fifteen hundred dollars per annum each, also four deputy clerks who shall receive a salary of twelve hundred dollars per annum each, also one deputy county clerk who shall receive a salary of nine 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 is the salary of the county clerk; *provided further*, that in such years as the compilation of a great register of voters is required by law to be made the said clerk may appoint two deputies who shall serve for a term of four months and shall each receive a salary not to exceed seventy-five dollars per month, to be paid as are other deputies herein provided for; *provided*, that the 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.

2. The sheriff four thousand dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one under sheriff whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, also six deputies who shall receive a salary of twelve hundred dollars per annum each, also one deputy who shall act as matron of the county jail who shall receive a salary of nine hundred (900) dollars per annum. The under sheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

3. The county recorder, thirty-six hundred dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of fifteen hundred dollars per annum, one deputy recorder who shall receive a salary of twelve hundred dollars per annum, also six deputy recorders who shall receive a salary of eight hundred dollars per annum each. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the county recorder;

Salaries in
counties of
fourth
class (Santa
Clara).

provided, that such recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The county auditor, thirty-six hundred dollars per annum, and said auditor may appoint one deputy auditor who shall receive a salary of fifteen hundred dollars per annum; *provided*, that for the purpose of performing the work imposed upon him by law, in connection with the annual assessment and collection of property taxes, said auditor may be allowed five additional deputies for a period of one month who shall each receive a salary of one hundred dollars. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

5. The county treasurer, thirty-six hundred dollars per annum, and said treasurer may appoint one deputy treasurer who shall receive a salary of twelve hundred dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the state law for the collection and payment to the state treasurer of inheritance taxes, except that he shall not be entitled to retain more than the sum of one hundred dollars out of the inheritance taxes paid on account of any one estate. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of one hundred dollars such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the funds as is the county treasurer.

6. The tax collector, thirty-six hundred dollars per annum, and said tax collector may appoint one deputy tax collector who shall receive a salary of eighteen hundred dollars per annum, one additional deputy tax collector who shall receive a salary of fifteen hundred dollars per annum, also seven additional deputy tax collectors to serve as such only from the first day of October to the fifteenth day of December of each year and who shall receive a salary of one hundred dollars each per month, also one deputy tax collector who shall serve as such only during the months of April and May of each year and shall receive a salary of one hundred dollars per month, also nine copyists who shall serve only during one month and one half month of each year and shall receive a salary of seventy-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 and shall pay into the county treasury

all fees received by him in his official capacity from whatever source they may be derived.

7. The license collector, fifteen per cent on the whole amount of licenses collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of fifteen hundred dollars per annum.

Salaries in
counties of
fourth
class (Santa
Clara).

8. The county assessor, thirty-six hundred dollars per annum, and said assessor may appoint one deputy assessor who shall receive a salary of twelve hundred dollars per annum, also seventeen deputy assessors who shall serve as such only during the months of March, April, May, and June of each year, who shall each receive a salary of one hundred dollars per month, also eight additional deputy assessors who shall serve as such only during the months of March, April, May, June, and July of each year who shall receive a salary of one hundred dollars per month, also six copyists to serve as such only during four months of each year who shall receive a salary of seventy-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 such commissions shall be paid into the county treasury. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties.

9. The district attorney three thousand six hundred dollars per annum; he may appoint a chief deputy at a salary of two thousand two hundred dollars per annum, one assistant district attorney at a salary of eighteen hundred dollars per annum, and one assistant district attorney at a salary of one thousand five hundred dollars per annum; also a deputy district attorney at a salary of one thousand five hundred dollars per annum, and a clerk at a salary of twelve hundred 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.

11. The county superintendent of schools three thousand dollars per annum, and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of twelve hundred dollars per annum and the said superintendent of schools shall also be paid his actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

12. The county surveyor the sum of three thousand dollars

Salaries in
counties of
fourth
class (Santa
Clara).

per annum. Said surveyor may appoint the chief deputy surveyor who shall receive a salary of fifteen hundred dollars per annum, also one deputy who shall receive a salary of twelve hundred dollars per annum, and one deputy at nine 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 engineering and surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries to be paid at the same time and in the same manner as the salaries of other county officers are paid.

13. 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:

Salaries
and fees of
justices of
the peace.

In townships having a population of 20,000 or more, justices of the peace shall each receive a salary of one hundred and fifty dollars per month as for all services rendered by them in criminal cases; *provided, however*, that in all such townships having a population of 20,000 or more, there shall be two township justices of the peace in and for any such townships, and such justices shall be allowed a clerk, to be appointed by the justices of the peace at a salary of one hundred dollars per month, payable monthly, in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors. As compensation for all services rendered in civil cases and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner, and taking and approving bonds or undertakings including the justification of sureties, justices of the peace may receive and retain for their own use such fees as are now or may hereafter be allowed for such service.

In townships having a population of 5,000 and less than 20,000 justices of the peace shall receive the sum of one hundred and thirty-seven dollars and fifty cents per month as salaries for all services rendered by them in criminal cases; as compensation for all services rendered in civil cases and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner and taking and approving bonds or undertakings, including the justification of sureties, justices of the peace may receive and

retain for their own use such fees as are now, or may hereafter be, allowed for such services.

Salaries
and fees of
justices of
the peace.

In townships having a population of 4,400 and less than 5,000 justices of the peace shall each receive as a salary the sum of one hundred and thirty-seven dollars and fifty cents per month as full compensation for all services rendered by them both in criminal cases and civil cases and in all cases wherein the justice of the peace performs the duties of coroner, and also in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds or undertakings, including the justification of sureties; all fees collected by justices of the peace in criminal cases and in civil cases and also all other fees of every kind and character lawfully chargeable and collectible by justices of the peace shall be collected by them and by them paid monthly into the county treasury, the above salary being in full for all services.

In townships having a population of 4,000 and less than 4,400 justices of the peace shall each receive as a salary the sum of one hundred and thirty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases and in all cases wherein the justice of the peace performs the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds or undertakings, including the justification of sureties, a justice of the peace may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of 1,500 and less than 4,000 justices of the peace shall each receive as a salary the sum of sixty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collected by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All other matters wherein a justice of the peace may lawfully charge fees for the services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of 1,000 and less than 1,500 justices of the peace shall each receive as a salary the sum of fifty dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases.

All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury. In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of less than 1,000 justices of the peace shall each receive as a salary the sum of thirty dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury. In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

Salaries
and fees of
constables.

14. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid as follows, in the same manner as the salaries of county officers are paid, viz:

In townships having a population of 20,000 or more constables shall each receive a salary of one hundred dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

In townships having a population of 5,000 and less than 20,000 constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

In townships having a population of 4,400, and less than 5,000, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible by them both in criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, they shall collect in advance and pay monthly into the county treasury.

In townships having a population of 4,000, and less than 4,400, constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both criminal and civil cases. All fees collected by them in civil and criminal cases shall be paid by them monthly 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 at law.

In townships having a population of 1,500 and less than 4,000, constables shall each receive the sum of sixty dollars per month, as a salary for all services rendered in both civil and criminal cases. All fees collected by them in civil and 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.

In townships having a population of less than 1,500, constables shall receive each the sum of forty dollars per month, as a salary for all services rendered by them both in civil and criminal cases. All fees collected by them both in criminal and civil cases shall be paid monthly into the county treasury. For all other services performed by them, they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners.

The population herein referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the last preceding federal census; *provided*, that if a township census be taken after the taking of the federal census, under the provisions of section four thousand and fifty-five then such census shall be known and shall become the official census of the township in which the same is so taken, and the population therein determined shall be and become the official population of such township.

Deter-
mination
of popu-
lation.

15. Each supervisor one thousand two hundred dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in 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 one hundred dollars in any one month; and in counties of this class the members of the board of supervisors shall be ex-officio road commissioners and as such road commissioners shall be paid the sum of five hundred dollars per annum each.

Salaries
of super-
visors.

ARTICLE V.

COUNTIES OF THE FIFTH CLASS.

Section 4234. Salaries and fees of officers of.

4234. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries in
counties of
fifth class
(Sacra-
mento).

1. The county clerk, three thousand dollars per annum. He shall appoint one chief deputy, at a salary of eighteen hundred dollars per annum; three additional deputies at a salary of twelve hundred dollars each per annum, one deputy to act as

Salaries in
counties of
fifth class
(Sac-
ramento).

stenographer at a salary of twelve hundred dollars per annum, and three court-room clerks at a salary of one thousand five hundred dollars each per annum, and a deputy or deputies not to exceed five for the purpose of registering electors, to be paid not to exceed four dollars per diem each, *provided* that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state and then only between the first day of June and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid fifteen cents per name for each person legally registered by them. 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 other county officials are paid.

2. The sheriff shall receive three thousand six hundred dollars per annum salary. The sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter, be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of the state outside of this county, and shall also receive his necessary expenses in all criminal cases. The sheriff shall also be paid twelve and one half cents per meal each for all meals furnished prisoners confined in the county jail. The sheriff shall have one under sheriff at a salary of one thousand five hundred dollars per annum, two jailers at a salary of twelve hundred dollars per annum each, and three court bailiffs, or deputies, at a salary of twelve hundred dollars per annum each. All deputies herein mentioned shall be appointed by the sheriff, and paid at the same time and manner that their principal is paid.

3. The recorder, three thousand dollars per annum. The recorder may appoint one chief deputy at a salary of fifteen hundred dollars per annum; one mortgage clerk, at a salary of twelve hundred dollars per annum; one index clerk, at a salary of twelve 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 or documents in his office, who shall receive as compensation for their services, the sum of twelve hundred dollars each per annum; said recorder may also appoint two filing clerks, which office is hereby created; at a salary of twelve hundred dollars per annum each. The salaries and compensation of all deputies, clerks and copyists herein provided for, each of whom shall be a deputy county recorder, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and is, hereby allowed to the auditor one deputy, who shall be appointed by the auditor of said county and whose salary is hereby fixed at fifteen hundred dollars per annum, and such additional assist-

ants as the auditor may require, and whose compensation shall not exceed the sum of five hundred dollars per annum, in the aggregate, for all assistants so employed, *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such additional assistance as aforesaid. 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 auditor.

Salaries in counties of fifth class (Sacramento).

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

6. The tax collector, two thousand five hundred dollars per annum; *provided*, that he shall have such assistants as he may require, whose compensation, which shall be paid by the county, shall not exceed the sum of five hundred dollars per annum in the aggregate.

7. The license collector, one thousand eight hundred dollars per annum.

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is, hereby allowed to the assessor, the following deputies, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy assessor, at eighteen hundred dollars per annum; one office deputy assessor, at fifteen hundred dollars per annum; one mortgage and transfer deputy assessor, at nine hundred dollars per annum; four field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars each per month; eight field deputy assessors for not exceeding four months in any one year, at a salary of one hundred dollars per month each; and such additional assistance as the assessor may require, and whose compensation shall not in the aggregate exceed the sum of six hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries of the chief deputy assessor, office deputy assessor, mortgage and transfer deputy assessor and field deputy assessors herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It is hereby further provided, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes.

9. The district attorney, three thousand six hundred dollars per annum. In counties of this class, the district attorney may appoint an assistant district attorney, which office is hereby created, who shall receive as compensation for his services the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury in equal monthly

Salaries in
counties of
fifth class
(Sac-
ramento).

installments in the same manner, and at the same time other county officials are paid. In counties of this class the district attorney may appoint a deputy district attorney, which office is hereby created, who shall receive as compensation for his services the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner, and at the same time other county officials are paid. In counties of this class, the district attorney may appoint a clerk for service in his office, which office of clerk to the district attorney is hereby created, and said clerk shall receive as compensation for his services the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or the tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his directions and may require one of the official reporters to act as clerk or stenographer for such purpose, and in case any of such reporters should refuse or be unable to attend, may employ a stenographer for that purpose at the same compensation allowed to stenographers of the superior court of the county, such amount to be deducted from the salary of the official reporter in default.

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

12. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting schools of his county, not exceeding three hundred dollars per annum; and the said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate 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 shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed, at the rate above named, and in the manner as other

claims against the county are allowed. The compensation of members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of this code.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed on the field; *provided*, that in counties of this class, whenever the board of supervisors shall order, or the assessor may require, assessor's map or block books, then the surveyor shall receive, in addition to the salary hereinabove noted, the sum of nine hundred dollars for the preparation and completion of the said map or block books.

14. Justices of the peace, such fees as are or may be hereafter allowed by law, except that the justices of the peace in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases; *provided, however*, that justices of the peace in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of seventy-five dollars per month each in lieu of all fees in criminal cases; the salary of the justices of the peace as above provided, to be paid at the same time, and in the same manner as county officers are paid.

Salaries
and fees of
justices of
the peace.

15. Constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each, in lieu of all fees in criminal cases; *provided, however*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of seventy-five dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases; *provided, however*, that constables in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants and constables in townships in which a state penal institution is not located shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail. The salary of the constables as above provided to be paid at the same time and in the same manner as county officers are paid.

Salaries
and fees of
constables.

16. Each supervisor, one hundred and twenty-five dollars per month, and ten cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once in each month.

Salaries
of super-
visors.

17. The offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors.

Auditor
and
recorder
separate
offices.

18. For attending as a juror in the superior court, for each

Fees of
jurors.

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.

Salary of
county
detective.

19. In counties of this class there shall be a county detective to be appointed by the district attorney, who shall receive a salary of one hundred and twenty-five dollars per month, to be paid at the same time and manner as other county officers are paid. He shall perform such duties as may be required of him by the district attorney or by ordinances of the board of supervisors.

Salary
and duty
of county
analyst.

20. In counties of this class there may be a county analyst, to be appointed by the board of supervisors, who shall receive a salary of not less than fifty dollars per month, to be paid at the same time and in the same manner as other county officers are paid. He shall furnish his own laboratory. He shall perform such services as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years, and shall be a graduate of a recognized university or technical school and shall have had at least three years' experience in forensic and analytical chemistry.

ARTICLE VI.

COUNTIES OF THE SIXTH CLASS.

Section 4235. Salaries and fees of officers of.

Salaries in
counties of
sixth class
(Sonoma).

4235. In counties of the sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, five thousand nine hundred dollars per annum; *provided*, that he shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, two court-room deputies, at a salary of nine hundred dollars per annum each, and one deputy at a salary of nine hundred dollars per annum. The salaries of said four deputies shall be paid by said county clerk out of said five thousand nine hundred dollars compensation above named.

2. The sheriff, sixty-two hundred dollars per annum; *provided*, that he shall appoint one under sheriff, at a salary of fifteen hundred dollars per annum, and three deputy sheriffs, at a salary of nine hundred dollars per annum each. The salary of said under sheriff and deputies shall be paid by said sheriff out of said sixty-two hundred dollars compensation above named. The sheriff shall also receive, as compensation for traveling, to be computed in all cases from the court house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, in executing writ of habeas corpus, or collect-

ing taxes, twenty cents for each mile, one way only, to be computed over the nearest and most practicable route, between the court-house and the place of service; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service, which distance shall, in all cases, be estimated by the nearest practical route.

Salaries in
counties of
sixth class
(Sonoma).

3. The recorder, five thousand six hundred dollars per annum; *provided*, that the recorder shall appoint four copyists at a salary of nine hundred dollars per annum, each; which salary of said four copyists shall be paid by said recorder out of said sum of five thousand six hundred dollars compensation above named; *and provided, further*, that said copyists being eligible, may be appointed deputies of said recorder without further compensation.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that the expenses incurred in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand four hundred dollars compensation above mentioned.

5. The treasurer, two thousand dollars per annum, and such fees as are now or may hereafter be allowed by law.

6. The tax collector, three thousand dollars per annum, and such fees as are now or may be hereafter allowed him by law for the collection of all county licenses; *provided*, that the tax collector shall appoint as many deputies as may be necessary, all of which deputies' salaries shall be paid out of the compensation above named.

7. The assessor, four thousand two hundred dollars per annum; *provided* that the assessor shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, and as many deputy assessors as may be necessary, all of which deputies' salaries shall be paid by the said assessor out of said four thousand two hundred dollars compensation above mentioned.

8. The district attorney, two thousand four hundred dollars per annum, and one assistant district attorney, at a salary of fifteen hundred dollars per annum, to 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.

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

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, said superintendent of schools may appoint a deputy at a salary of nine hundred dollars per annum, payable at same time and in same manner as salaries of other county officers are paid.

12. The surveyor shall receive one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling

expenses incurred in connection with field work, and all fees allowed by law; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps, plats or block books for use of the county assessor; *provided further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct and furnished to the surveyor; *and provided further*, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses. He shall appoint a deputy at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as county officers are paid.

Salaries
and fees of
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 criminal cases:

In townships having a population of sixteen thousand or more, one hundred and twenty-five dollars per month;

In townships having a population of over nine thousand and less than sixteen thousand, sixty dollars per month;

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

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

In townships having a population of fifteen hundred and less than two thousand, ten dollars per month;

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

In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. 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 by multiplying by five the number of registered voters as shown upon the great register of the county for the general election of nineteen hundred and six.

Monthly
reports.

Salaries
and fees of
constables.

14. In townships having a population of sixteen thousand or over constables shall receive as compensation, in lieu of all fees in criminal cases, the sum of one hundred dollars per month;

In townships having a population of nine thousand and less than sixteen thousand, the sum of sixty dollars per month;

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

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

In townships having a population of fifteen hundred, and less than two thousand, ten dollars per month;

In townships having a population of less than fifteen hundred, 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, for the service of a warrant of arrest or other process in a criminal case, the sum of five cents per mile for each mile actually and necessarily traveled; *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; *and provided further*, that in addition to the salaries provided for 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 purpose of this subdivision the calculation of the population of the several townships shall be ascertained by multiplying by five the number of registered voters as shown upon the great register of the county for the general election of nineteen hundred and six.

15. Each member of the board of supervisors, for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed six dollars per day, and thirty cents per mile in traveling from their place of residence to the court-house; *provided*, that only one mileage must be allowed at each term; *and provided further*, that no supervisor must be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the board of supervisors, or for any other cause; *provided*, that in no case shall the per diem of the supervisors, as supervisors, exceed eight hundred dollars each in one year. Each supervisor shall receive for his 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 four hundred dollars as such road commissioner.

Salaries
of super-
visors.

ARTICLE VII.

COUNTIES OF THE SEVENTH CLASS.

Section 4236. Salaries and fees of officers of.

4236. In counties of the seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries in
counties of
seventh
class
(Fresno).

1. The county clerk, twenty-four hundred dollars per annum. He shall have two deputies at a salary of fifteen hundred dollars per annum each; and two deputies at a salary of twelve hundred dollars per annum each; and two deputies at a salary of nine hundred dollars per annum each.

2. The sheriff, six thousand dollars per annum and all fees for services of processes issued without his county. He shall have an under sheriff, whose annual salary shall be fifteen hundred dollars, and seven deputies, whose annual salary shall be twelve hundred dollars each per annum.

3. The recorder, twenty-one hundred dollars per annum. He

Salaries in
counties of
seventh
class
(Fresno).

shall have one deputy, whose annual salary shall be fifteen hundred dollars; and two deputies, whose annual salary shall be twelve hundred dollars each per annum; and one deputy, whose annual salary shall be nine hundred dollars per annum. He shall have such copyists as are necessary to perform the duties of the office at a compensation of six cents per folio.

4. The auditor, twenty-one hundred dollars per annum; and one deputy at an annual salary of fifteen hundred dollars; and one deputy at an annual salary of twelve hundred dollars.

5. The treasurer, twenty-five hundred dollars per annum. He shall have a deputy at a salary of fifteen hundred dollars per annum.

6. The tax collector, two thousand dollars per annum. He shall have one deputy who shall receive fifteen hundred dollars per annum; and three deputies at an annual salary of twelve hundred dollars each per annum. He shall be allowed such fees in addition to his salary as are now allowed by law for the collection of license taxes.

7. The assessor shall receive four thousand dollars per annum for all services rendered as assessor. He shall have one deputy at an annual salary of fifteen hundred dollars; and he shall have not exceeding twenty deputies for three months in each year, whose per diem shall be four dollars each when actually employed, and six deputies for four months at a per diem of four dollars when actually employed. He shall have four copyists for a period of four months each at fifty dollars per month each during such time. All sums collected by the assessor or his deputies, either as personal property taxes, or the fees allowed by law for the making of the military roll, shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

8. The district attorney, three thousand dollars per annum. He shall have one deputy at a salary of eighteen hundred dollars per annum; and one deputy at a salary of twelve hundred dollars per annum. He shall also have a detective at a salary of one hundred dollars per month.

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

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

11. The superintendent of schools, twenty-four hundred dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars. The superintendent shall also be allowed actual traveling expenses when visiting the schools of his county.

12. The surveyor, two thousand dollars per annum in full compensation for all services as county surveyor, as road viewer or inspector, and his actual expenses when at work in the field. He shall have one deputy at an annual salary of twelve hundred dollars per annum.

Deter-
mination
of popu-
lation of
townships.

13. The registered population of the several judicial townships of this county is hereby determined to be the registered vote as shown by the great register of the county in the office

of the county clerk, January 1, 1907. The salaries of the constables in the several townships shall be determined by the registered voting population as shown by said register at the general election of the preceding even numbered year, and are as follows, to wit:

Judicial Township No. 1	-----	356
Judicial Township No. 2	-----	694
Judicial Township No. 3	-----	5,796
Judicial Township No. 4	-----	947
Judicial Township No. 5	-----	1,043
Judicial Township No. 6	-----	727
Judicial Township No. 7	-----	919
Judicial Township No. 8	-----	606
Judicial Township No. 9	-----	353
Judicial Township No. 10	-----	560
Judicial Township No. 11	-----	93
Judicial Township No. 12	-----	62
Judicial Township No. 13	-----	437

The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid in the month of December biennially. When population to be fixed.

13a. For the purpose of regulating the compensation of, the constables, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county. Townships having a registered voting population of five thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand and less than five thousand shall belong to and be known as townships of the second class; townships having a like population of eight hundred and less than one thousand shall belong to and be known as townships of the third class; townships having a like population of five hundred and less than eight hundred shall belong to and be known as townships of the fourth class; townships having a like population of two hundred and fifty and less than five hundred shall belong to and be known as townships of the fifth class; townships having a like population of two hundred and fifty and less shall belong to and be known as townships of the sixth class. Classification of townships.

13b. Justices of the peace and persons performing duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases, and shall include their office rent, to wit: Salaries and fees of justices of the peace.

- In townships of the first class two hundred dollars.
- In townships of the second class one hundred dollars.
- In townships of the third class one hundred dollars.
- In townships of the fourth class seventy-five dollars.
- In townships of the fifth class sixty dollars.
- In townships of the sixth class twenty dollars.

In addition to the monthly salaries herein allowed each justice of the peace may receive and retain for his own use, such

fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month, all fines collected by him.

Salaries
and fees of
constables.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class one hundred and twenty-five dollars.

In townships of the second class one hundred dollars.

In townships of the third class one hundred dollars.

In townships of the fourth class seventy-five dollars.

In townships of the fifth class sixty dollars.

In townships of the sixth class twenty dollars.

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 all services rendered by him in civil cases; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided further, that, where any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.*

Salaries
of super-
visors.

15. The supervisors shall receive each the sum of eighteen hundred dollars per annum, payable monthly in installments of one hundred and fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

When
salaries
payable.

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

ARTICLE VIII.

COUNTIES OF THE EIGHTH CLASS.

Section 4237. Salaries and fees of officers of.

Salaries in
counties of
eighth
class (San
Joaquin).

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 office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.

2. The sheriff, three thousand dollars per annum; the sheriff shall also receive for his own use and benefit the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county; and shall also receive his necessary expenses in all criminal cases.

3. The recorder, two thousand dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, two thousand dollars per annum, and such commissions as are now or may hereafter be allowed by law.
6. The tax collector, one thousand dollars per annum, and ten per cent on all licenses collected, which shall be in full for all services as tax collector and license collector.
7. The assessor, eleven thousand five hundred dollars per annum; the assessor shall turn over to the county all fees and commissions for the collection of poll tax, personal property tax and for making up the military roll. The assessor shall make all maps and plats and shall bind in book form, alphabetically arranged, all assessment lists; *provided* there shall be no charge against the county for the making of said maps, plats, and said binding, except for the material furnished in the making of said maps and plats and binding of said assessment lists.
8. The district attorney, three thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, twenty-four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, said expenses not to exceed six hundred dollars in one year.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable in the same manner as county officers are paid, viz:

<p>In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, sixty-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three 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, fifteen dollars per month; justices of the peace 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 in civil cases.</p>	<p>Salaries and fees of justices of the peace.</p>
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14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, eighty-five dollars per month; in townships having a population of not less than five thousand nor more than fourteen

	<p>Salaries and fees of constables.</p>
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thousand, sixty-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three 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, fifteen 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.

Salaries
of super-
visors.

15. Each member of the board of supervisors, nine hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that not more than one mileage at any one term of the board shall be allowed.

Surety
company
bonds
required.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, superintendent of schools and surveyor, shall be executed with a reliable bond and security company and that the cost of said bond, when duly approved shall be a charge against the county, and payable out of the general fund.

Deputies,
and their
salaries.

17. The county clerk shall have one chief deputy, at a salary of fifteen hundred dollars per annum; two court-room deputies, at a salary of one thousand and eighty dollars per annum each, and a deputy or deputies not to exceed ten, for the purpose of registering electors and for other emergencies, to be paid not to exceed three dollars per diem each.

The county recorder, one deputy, at a salary of fifteen hundred dollars per annum, three deputies at a salary of one thousand and eighty dollars per annum each.

The treasurer, one deputy at a salary of two thousand dollars per annum; and a deputy for the purpose of collecting taxes and for other emergencies, to be paid not to exceed four dollars per diem.

The district attorney, an assistant district attorney, at a salary of eighteen hundred dollars per annum, and a deputy district attorney, at a salary of twelve hundred dollars per annum.

The superintendent of schools, one deputy, at a salary of nine hundred dollars per annum.

The sheriff, an under-sheriff, who shall receive a salary of eighteen hundred dollars per annum; a clerk, who shall receive a salary of one thousand and eighty dollars per annum; two deputy sheriffs, who shall receive a salary of one thousand and eighty dollars per annum each; three bailiffs or court-room deputies, who shall receive a salary of one thousand and eighty dollars per annum each; two jailers, who shall receive a salary

of one thousand and eighty dollars per annum each; and a deputy or deputies not to exceed two, for the purpose of serving papers and for other emergencies to be paid not to exceed three and a half dollars per diem each. All the deputies, assistants, and clerks herein mentioned shall be paid at the time and in the manner that the principals are paid.

ARTICLE IX.

COUNTIES OF THE NINTH CLASS.

Section 4238. Salaries and fees of the officers of.

4238. In counties of the ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Salaries in counties of ninth class (San Diego).

1. The county clerk, seven thousand six hundred dollars per annum.

2. The sheriff, seven thousand eight hundred dollars per annum; and the sheriff shall also receive for his own use and benefit the fees or commissions for the service of all papers whatsoever, issued by any court of the state outside of his county. And the board of supervisors shall allow the sheriff his actual and necessary expenses in serving any civil or criminal process, or performing any other official duty within his county at a distance, by the ordinary route of travel, of more than sixty miles from the county seat.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county and shall be paid as follows: One chief deputy at a salary of one hundred and fifty dollars per month, two deputies at a salary of seventy-five dollars per month each, and 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 copies of any records or papers, five cents per folio. The salaries of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county recorder is paid.

4. The auditor, five thousand five hundred dollars per annum.

5. The treasurer, three thousand dollars per annum.

6. The tax collector, seven thousand dollars per annum, which shall include all fees and percentage as license collector.

7. The assessor, six thousand five hundred dollars per annum, and such fees as are allowed by law.

8. The district attorney, five thousand dollars per annum.

9. The superintendent of public schools, twenty-five hundred dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars.

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

11. The coroner, seventy-five dollars per month, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county when called away from the county seat.

12. The surveyor, three thousand dollars per annum, which shall be in lieu of all fees and per diem now allowed by law.

Salaries
and fees of
constables.

13. Constables, in civil cases such fees as are now or may hereafter be allowed by law; and in criminal cases in townships having a population of sixteen thousand or more in lieu of fees now allowed by law the sum of one hundred dollars per month; and in all townships having a population of less than sixteen thousand such fees as are now or may hereafter be allowed by law; *provided, however*, that no constable in such township shall be allowed in any one month out of the county treasury more than seventy-five dollars as fees in misdemeanor cases; *provided further* that in such townships they shall receive for each day's attendance in criminal cases when required by the justice to be present two dollars per day; *provided further* that in all townships the constables thereof for taking persons to the county jail actual traveling expenses only shall be allowed in lieu of mileage.

Salaries
and fees of
justices of
the peace.

14. Justices of the peace, in all townships having a population of sixteen thousand or more one hundred and fifty dollars per month in full of all compensation in both civil and criminal cases; in townships having a population of less than sixteen thousand such fees as are now or may hereafter be allowed by law; *provided however*, that no justices of the peace in such township shall be allowed in any one month out of the county treasury more than seventy-five dollars in misdemeanor cases.

The board of supervisors of such county shall furnish the township justice of the peace and the constables in townships having a population of sixteen thousand or more with suitable court-room and furniture for said justice of the peace, and an office with necessary and proper furniture therefor, for each of said constables.

Salaries
of super-
visors.

15. Each member of the board of supervisors five hundred dollars per annum, and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also, four hundred dollars per annum each, and mileage now allowed by law, for services as road commissioner.

ARTICLE X.

COUNTIES OF THE TENTH CLASS.

Section 4239. Salaries and fees of the officers of.

Salaries in
counties of
tenth class
(San Bern-
ardino).

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, and shall have as assistants the respective employés hereafter named, to wit:

1. The county clerk, four thousand three hundred dollars per annum, and the sum of five hundred dollars for making the great register, and ten cents for each person registered, and there shall be, and there is hereby allowed to the county clerk in addition, one deputy, to be appointed by the county clerk, who shall be paid a salary of one thousand dollars per annum, the said salary to be paid by such county in monthly installments, at the time, and in the manner and out of the same fund as the salaries of county officers are paid.

Salaries in
counties of
tenth class
(San Ber-
nardino).

2. The sheriff, five thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county, and there shall be, and there is hereby created the office of jailer, to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, said salary to be paid by such county in monthly installments, at the time and in the manner and out of the same fund as the salaries of county officers are paid.

3. The recorder, one thousand five hundred dollars per annum, and six cents per folio for recording, and five cents for each name indexed, and four hundred and fifty dollars per year for abstract of mortgages for the county assessor.

4. The auditor, two thousand four hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, one deputy, to be appointed by the auditor, who shall be paid a salary of one thousand dollars per annum, and there shall be, and there is allowed to the auditor in addition, three clerks to be appointed by the auditor, who shall be paid a salary of seventy-five dollars per month each, not to exceed one month in any one year; said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

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

6. The tax collector, three thousand two hundred dollars per annum; and there shall be, and there is allowed to the tax collector in addition, one deputy, to be appointed by the tax collector, who shall be paid a salary of one thousand dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however*, that in counties of this class, the tax collector shall receive no fees or commissions for the collection of licenses.

7. The assessor, five thousand five hundred dollars per annum, and there shall be, and there is allowed to the assessor in addition, one deputy, to be appointed by the assessor, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however*, that the percentage received by the assessor on poll taxes and personal

Salaries in
counties of
tenth class
(San Bern-
ardino).

property taxes, and also amounts allowed for returning names of persons subject to military duty, and which in counties of other classes, is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be received by him as compensation.

8. The district attorney, three thousand dollars per annum, and there shall be, and there is allowed to the district attorney in addition, one deputy, to be appointed by the district attorney, who shall be an attorney at law regularly admitted to practice before the supreme court of the State of California, who shall be paid a salary of one thousand two hundred dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

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

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

11. The superintendent of schools for full services including attendance on the county board of education, one thousand eight hundred dollars per annum, and actual traveling expenses, and there shall be, and there is allowed to the superintendent in addition, a deputy, who shall be appointed by the superintendent of schools, who shall be paid a salary of one thousand dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The office of the superintendent of schools shall be kept open on all business days from nine o'clock A. M. to five o'clock P. M.

12. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty 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 of such services 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 the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code.

13. The surveyor, one thousand eight hundred dollars per annum, and in addition thereto all necessary expenses, incurred in performing county work, ordered by the board of supervisors. There shall be allowed the surveyor, in addition, one draughtsman, to be appointed by the surveyor, which office of draughtsman is hereby created, who shall be paid a salary of twelve hundred dollars per annum; and there shall be allowed the surveyor, in addition, one clerk, to be appointed by the

surveyor, which office of clerk to the surveyor is hereby created, who shall be paid a salary of nine hundred dollars per annum, said salaries 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 surveyor is paid.

14. The justices of the peace, 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 by them in criminal cases: In townships having a population of six thousand and over, ninety dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars per month; in townships having a population of one thousand five hundred and less than two thousand four hundred, sixty dollars per month; in townships having a population of eight hundred and less than one thousand five hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to the above salaries, each justice of the peace shall collect for his own use in civil cases such fees as are now or may hereafter be allowed by law.

Salaries and fees of justices of the peace.

15. Constables, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand and more, eighty-five dollars per month; in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars per month; in townships having a population of fifteen hundred and less than two thousand five hundred, sixty dollars per month; in townships having a population of eight hundred and less than fifteen hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Salaries and fees of constables.

The population of townships shall, for the purpose of this section, be determined by the last preceding United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for governor cast in such township, at the last preceding election, by four.

Determination of population.

16. The supervisors each the sum of one hundred and twenty-five dollars per month as supervisors and road commissioners, and actual traveling expenses not to exceed five hundred dollars in any one year; vouchers for said traveling expenses shall be filed with the proper officer.

Salaries of supervisors.

17. The official reporter of each department of the superior court shall be and he is hereby constituted a county officer and shall receive, as full compensation for taking notes in

Salary and fees of court reporter.

civil and criminal cases tried in said courts, a salary of one thousand eight hundred dollars per annum, payable in equal monthly installments, out of the county treasury, at the same time and in the same manner as the salaries of other county officers; he shall without further compensation act as the secretary of the judge of such department of the superior court; and for transcription of said notes, when required, they shall receive the sum of twenty cents per folio for the original and five cents per folio for a copy, and also actual traveling expenses, when reporting outside of the county seat. Said compensation for transcribing in criminal cases, preliminary examinations, and inquests, and traveling expenses, 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.

ARTICLE XI.

COUNTIES OF THE ELEVENTH CLASS.

Section 4240. Salaries and fees of the officers of.

Salaries in
counties of
eleventh
class
(Humboldt).

4240. In counties of the eleventh class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; and there shall be, and there hereby is allowed to the county clerk, two deputies who shall be appointed by the county clerk and shall each be paid a salary of twelve hundred dollars per annum.

2. The sheriff shall receive five thousand dollars per annum; and there shall be and there hereby is allowed to the sheriff, one deputy, who shall be appointed by the sheriff and shall be paid a salary of one thousand five hundred dollars per annum.

3. The recorder, two thousand five hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by the recorder and shall be paid a salary of seven hundred and fifty dollars per annum each.

4. The auditor shall receive two thousand seven hundred dollars per annum.

5. The treasurer shall receive two thousand four hundred dollars per annum.

6. The tax collector shall receive two thousand eight hundred dollars per annum.

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

8. The assessor shall receive four thousand five hundred dollars per annum. He may employ such assistance as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duty and the expense thereof shall be a charge against the county.

9. The district attorney shall receive two thousand four hundred dollars per annum; and there is hereby allowed to the district attorney one deputy to be appointed by him who shall receive a salary of one thousand dollars per annum.

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

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

12. The superintendent of schools, two 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 seven hundred and fifty dollars per annum.

13. The surveyor shall receive two thousand dollars per annum; and necessary traveling expenses while in the performance of the duties of his office.

14. Each supervisor nine hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of seven hundred and fifty dollars.

15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to, and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court he shall receive a salary thereof of two thousand five hundred dollars per annum. In addition thereto, he shall receive for transcribing notes, the sum of ten cents per folio, for the original, and five cents per folio for all copies thereof.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of fifty dollars per month. In townships having a population less than seven thousand and over four thousand there shall be but one justice of the peace elected and he shall receive a salary of thirty dollars per month. In all other townships there shall be but one justice of the peace who shall receive a salary of twenty dollars per month. All justices in counties of this class shall, in addition to the salaries above provided for, receive and collect for their own use and benefit, in civil cases only, the following fees, to wit:

Salaries
and fees of
justices of
the peace.

(1) Each justice of the peace shall be allowed, in civil actions for all services before trial or entry of judgment, by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting papers and transcript on appeal, one dollar.

(4) For copies of papers on docket per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(13) For taking bail in all proceedings, pending before another magistrate, fifty cents.

Salaries
and fees of
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 four 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 own use and benefit, in civil cases only, the following fees, to wit:

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

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

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

(5) For keeping personal property, such sum as the court may order; but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond or undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints, and subpœnas, per folio, fifteen cents; *provided*, that when correct copies are furnished him for use, no charges shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpœna, 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 subpœnas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one half per cent.

(13) For executing and delivering certificate of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars and fifty cents. Fees of constables.

(15) For each mile actually traveled within his county, in the service of any civil writ, order, or paper, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice's court, the actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales on execution.

(23) For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

18. All salaries provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid. When salaries payable.

ARTICLE XII.

COUNTIES OF THE TWELFTH CLASS.

Section 4241. Salaries and fees of officers of.

4241. In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Salaries in counties of twelfth class (Solano).

1. The county clerk, three thousand dollars per annum, and when a great register of voters is required by law to be made

he shall receive five hundred dollars additional, which shall be in full for all services rendered in registering voters and making the great register.

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 his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of six hundred dollars per annum, to be paid by the county.

3. The recorder, twenty-two hundred and fifty dollars per annum.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, three thousand dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

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

10. The public administrator, five hundred dollars per annum.

11. The superintendent of schools, fifteen hundred dollars per annum, and his actual traveling expenses while visiting schools.

12. The surveyor shall receive seven dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties.

Salaries
and fees of
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 criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as now or hereafter may be allowed by law for all services performed by him in civil actions.

Salaries
and fees of
constables.

14. Constables, the following salaries which shall be paid monthly as salaries of 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 two thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand five 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 less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions. For the purposes of this section the basis of calculation for fixing the compensation of the 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, six hundred dollars for all services rendered and including mileage; *provided*, that when required to go on business to any point outside of said county they shall be allowed actual necessary expenses. Salaries
of super-
visors.

16. The official court reporter for all services required of him in the superior court, excepting for transcribing his notes, a salary of one thousand five hundred dollars per annum, to be paid by the county monthly as the salaries of county officers are paid. For transcribing his notes of testimony in the superior court when required seven cents per folio for original and four cents per folio for copies to be paid for when completed by the party in a civil action who directs the work to be done, but the same shall ultimately be taxed as costs in the case. In criminal proceedings in the superior court when the judge orders the notes transcribed the same shall be paid from the county treasury on the order of the court. When the services of the reporter are demanded in any civil matter the clerk shall collect each day in advance two dollars and fifty cents from each side to the controversy, and pay the same into the county treasury. At the conclusion of the trial or proceedings, in civil matters, such reporter's fees shall be taxed as costs in the same manner that other costs are taxed in the case. Salary
and fees of
court
reporter.

17. Members 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. Mileage,
board of
education.

ARTICLE XIII.

COUNTIES OF THE THIRTEENTH CLASS.

Section 4242. Salaries and fees of officers of

Salaries in
counties of
thirteenth
class
(Santa
Cruz).

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 offices, the following fees and salaries:

1. The county clerk, thirty-three hundred dollars per annum; *provided*, that in any year that the compilation of a great register is required by law to be made, he shall receive six hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register.

2. The sheriff, thirty-five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of five cents per mile for every mile necessarily traveled in the performance of his duty or in the serving of papers of any kind.

3. The recorder, twenty-one hundred dollars; *provided however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded; *provided further*, that said recorder shall file monthly, with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording.

4. The auditor, two thousand dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, twenty-four hundred dollars per annum, *provided* that said tax collector shall be allowed one clerk for the period of six months during each fiscal year who shall be appointed by said tax collector and be paid a salary of seventy-five dollars per month, the said salary to be paid by the said county in monthly installments at the same time, and in the same manner, and out of the same fund, as the salary of the tax collector is paid.

7. The assessor, eighteen hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

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

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

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

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

13. Each member of the board of supervisors, six hundred dollars per annum and actual mileage to and from the county seat while in the discharge of his official duties, and mileage as road commissioner, fifteen cents per mile, one way; *provided*,

the amount of mileage for each supervisor shall not exceed the sum of three hundred dollars in any one year.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of ten thousand or more shall belong to and be known as townships of the first class; townships containing a population of less than ten thousand and more than six thousand shall belong to and be known as townships of the second class; townships containing a population of less than six thousand and more than four thousand shall belong to and be known as townships of the third class; townships containing a population of less than four thousand and more than two thousand shall belong to and be known as townships of the fourth class; townships containing a population of less than two thousand shall belong to and be known as townships of the fifth class; the population of the several judicial townships shall be determined, for the purpose of this and the succeeding subdivision, by multiplying by five the total number of names registered as voters in such townships as shown by the complete index to great register as compiled and certified by the county clerk of said class of counties in October, A. D. 1906.

Classification
of
townships.

15. Justices of the peace shall receive the following salaries which shall be paid monthly in the same manner as the salaries of county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases; *provided however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one half of the salary therein provided for, to wit: In townships of the first class, one hundred dollars per month; in townships of the second class, sixty-five dollars per month; in townships of the third class twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month. In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases. Justices of the peace in the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each, for any one month.

Salaries
and fees of
justices of
the peace.

Constables shall receive the following fees and salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, forty dollars per month; in townships of the second class, forty dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county, for traveling expenses outside of his own township, for the service

Salaries
and fees of
constables.

of a warrant of arrest, or any other process in a criminal case, (where such service is in fact made), both going and returning, ten cents per mile; for each mile traveled outside of his county, both going to and returning from the place of arrest, or other service of process, five cents per mile; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases.

Fees of reporter.

16. The official reporter of the superior court shall receive the fees allowed by law.

Salaries include pay of deputies.

17. The compensation allowed each officer above enumerated shall be in full for all services, and shall include the pay of all deputies (except in the case of the district attorney wherein one deputy is provided for within the discretion of the board of supervisors) except as provided in section four thousand two hundred and ninety, which provides certain fees and commissions for the assessor and license collector.

ARTICLE XIV.

COUNTIES OF THE FOURTEENTH CLASS.

Section 4243. Salaries and fees of officers of.

Salaries in counties of fourteenth class (Mendocino).

4243. In counties of the fourteenth 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:

1. The county clerk, two thousand seven hundred dollars per annum. 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 and 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.

2. The sheriff, four thousand dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage for service of any papers issued by any court outside of his county.

3. The recorder, two thousand one hundred dollars per annum.

4. The auditor, two thousand two hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector and license collector two thousand two hundred dollars per annum.

7. The assessor three thousand dollars per annum.

8. The district attorney two thousand seven hundred 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 all other matters in which the county is interested.

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

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

11. The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting the schools of his county.

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

13. Justices of the peace, 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 having a population of five hundred and over, fifty dollars per month; in townships having a population of less than five hundred, twenty-five dollars per month. In addition to the above salaries, each justice of the peace may collect, for his own use, in civil cases, such fees as are now or may hereafter be allowed by law.

Salaries
and fees of
justices of
the peace.

14. Each member of the board of supervisors, six hundred dollars per annum and ten 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.

Salaries
of super-
visors.

15. Constables, 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, except as in this subdivision provided: In townships where the population is five hundred or more, fifty dollars per month; in townships having a population of less than five hundred, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law, for all 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 issues 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

Salaries
and fees of
constables.

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 several cases. Constables may also, by first obtaining an order of the district attorney of this county, or of a judge of the superior court of this state, employ a temporary guard for the safe-keeping or protection of prisoners when necessary, 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 salary in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and the same shall be a county charge.

The population of townships shall, for the purpose of subdivisions 13 and 15 of this section, be determined by multiplying the vote for governor cast in each township at the next preceding general state election by five.

ARTICLE XV.

COUNTIES OF THE FIFTEENTH CLASS.

Section 4244. Salaries and fees of officers of.

Salaries in
counties of
fifteenth
class
(Orange).

4244. In counties of the fifteenth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, thirty-two hundred and fifty dollars per annum.

2. The sheriff, four thousand 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 his county.

3. The recorder, fifteen hundred dollars per annum, and four and one half cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including indexing.

4. The auditor, two thousand dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

8. The assessor, thirty-five hundred dollars per annum; *provided*, that in counties of this class there shall be seven field deputy assessors, who shall be appointed by the assessor of said county, and who shall hold office from twelve o'clock meridian from the first Monday in March of each year up to twelve o'clock meridian of the first Monday of July of each year; the salaries of each of said seven deputy assessors herein provided for is fixed at the sum of one hundred dollars per month, to include horse hire and traveling expenses for each month during which they hold office as herein provided, which said salaries 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 assessor; *provided*, that all commissions shall be paid into the county treasury.

9. The district attorney, twenty-five hundred dollars per annum.

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

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

12. The superintendent of schools, twenty-two hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of the county, and keep his office open on all business days.

13. The surveyor, eight dollars per day while actually employed by the county.

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 fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than eight thousand, seventy-five dollars per month; in townships having a population of less than eight thousand and more than five thousand, fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; in townships having a population of less than two thousand, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

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

Salaries
and fees of
constables.

16. Supervisors, five hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board, not more than four board meetings per month; and as road commissioner, four dollars per day, not to exceed four hundred dollars per year in the aggregate.

Salaries
of super-
visors.

17. For the purposes of subdivisions 14 and 15 of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote for presidential electors cast in each township at the next preceding election.

Population
of
townships.

ARTICLE XVI.

COUNTIES OF THE SIXTEENTH CLASS.

Section 4245. Salaries and fees of officers of.

Salaries in
counties of
sixteenth
class (Mon-
terey).

4245. In counties of the sixteenth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries; to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum. The sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions and mileage, which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county.
3. The recorder, twenty-nine hundred dollars per annum.
4. The auditor, twenty-four hundred dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector, fifteen hundred dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, eighteen hundred dollars per annum; *provided*, that he shall have power to appoint one assistant district attorney at a salary of one thousand dollars per annum, payable in the same manner as that of other county officers.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, but he shall receive no extra compensation for his services on the board of education.
12. The surveyor shall receive one thousand three hundred dollars per annum for all work performed for the county and in addition thereto actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps or plats, he be allowed only the actual cost of preparing the same.
13. The 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 in criminal cases and all other criminal matters: In townships having a population of five thousand or more, sixty-five dollars per month; in townships having a population of twenty-five hundred and less than five thousand, fifty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars per month; in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; in townships having a population of seven hundred

Salaries
and fees of
justices of
the peace.

and less than one thousand, twenty dollars per month; in townships having a population less than seven hundred, fifteen dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now, or may be hereafter allowed by law for all services performed by him in civil actions. There shall be two justices of the peace in each such township containing a population of five thousand or more and in each such township containing a population of less than five thousand, there shall be one justice of the peace.

14. 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 five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, forty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, thirty dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population less than seven hundred, fifteen dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case or other criminal matter (when such service is, in fact, made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile; for transporting prisoners to the county jail, ten cents a mile each way. In addition to the monthly salary allowed him herein each constable may receive for his own use in civil cases the fees which are now or may hereafter be allowed by law.

Salaries
and fees of
constables.

15. The supervisors, each the sum of five dollars per day for actual service, (but not to exceed six hundred dollars per annum), and twenty cents per mile for all distances actually traveled, not to exceed two hundred dollars per annum, in the performance of duties as road commissioner, together with mileage at the rate of twenty cents per mile, in going only, from place of residence to the county seat, at each session of the board.

Salaries
of super-
visors.

16. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained and determined by the board of supervisors, by multiplying by five the vote cast for presidential electors in each township at the next preceding election thereof.

Deter-
mination
of popu-
lation.

ARTICLE XVII.

COUNTIES OF THE SEVENTEENTH CLASS.

Section 4246. Salaries and fees of officers of.

Salaries in
counties of
seven-
teenth
class
(Santa
Barbara).

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, to wit:

1. The county clerk, twenty-five hundred dollars per annum; *provided* that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies, who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy, at a salary of one hundred dollars per month; one court-room clerk, at a salary of one hundred dollars per month. The salaries of the chief deputy and court-room 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.

2. The sheriff, six thousand dollars per annum.

3. The recorder, twenty-eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a deputy, who shall be appointed by the said recorder, and who shall be paid the following salary, to wit: ninety dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, twenty-five hundred dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, for a period of four months during each fiscal year, who shall be appointed by said assessor, and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney a deputy, who shall be appointed by said district attorney, and who shall be paid the following salary, to wit: fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

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

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

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The county surveyor shall receive twelve hundred dollars per annum and necessary costs of transportation to and from, and necessary expense in the field while engaged on public work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases, and in full compensation for all services rendered in criminal cases, justices of the peace shall receive a salary of ninety dollars per month, payable at the same time and in the same manner as the salary of other county officers.

Salaries
and fees of
justices of
the peace.

14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases and in full compensation of all services rendered in criminal cases, constables shall receive a salary of seventy-five dollars per month, payable at the same time and in the same manner as salaries of other county officers; *provided further*, that in addition to the monthly salary herein allowed, constables of townships of over six thousand inhabitants shall also be allowed all necessary expense actually incurred outside of their townships, in pursuing and conveying prisoners to court or to prison, and said expense shall be audited and allowed by board of supervisors and paid out of the county treasury.

Salaries
and fees of
constables.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day, not to exceed two hundred dollars per annum in the aggregate.

Salaries
of super-
visors.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription 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.

Salary
and fees of
court
reporter.

ARTICLE XVIII.

COUNTIES OF THE EIGHTEENTH CLASS.

Section 4247. Salaries and fees of officers of.

Salaries in
counties of
eighteenth
class
(Tulare).

4247. In counties of the eighteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, four thousand dollars per annum.

2. The sheriff, six thousand five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

3. The recorder, two thousand dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid by the county treasurer out of the county treasury.

4. The auditor, three thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, three thousand six hundred dollars per annum; *provided*, that as such tax collector or as ex-officio license collector he shall not have or receive any compensation for or percentage upon the collection of any license.

7. The assessor, five thousand dollars per annum.

8. The district attorney, four thousand dollars per annum.

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

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

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy at a salary of one thousand two hundred dollars per annum.

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

Salaries
and fees of
justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided:

In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.

In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases: Salaries
and fees of
constables.

In townships having a population of more than three thousand, fifty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

In townships having a population of not less than two thousand and under three thousand, forty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In townships having a population of not less than one thousand and under two thousand, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil cases.

In townships having a population of less than one thousand, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In addition to the monthly salary allowed herein, each constable shall also be allowed ten cents per mile for each mile necessarily traveled in the execution of all criminal process, and all expenses necessarily and actually incurred by him in transporting prisoners to court and to prison.

15. It shall be the duty of each and every constable and justice of the peace to file, on or before the first Monday of each and every month, a full and complete statement, showing all business both civil and criminal done during the preceding month with the board of supervisors, and shall file same on or before said date above mentioned with the clerk of said board. The statement of the constables shall contain a full and correct account of all process served in Monthly
reports of
justices
and
constables.

both civil and criminal actions, also in criminal cases places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

Deter-
mination
of popu-
lation.

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

Salaries
of super-
visors.

17. Each supervisor, \$1,000.00 per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed him for such expenses shall not exceed \$40.00 for any one month.

No fees for
collecting
licenses.

18. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class.

ARTICLE XIX.

COUNTIES OF THE NINETEENTH CLASS.

Section 4248. Salaries and fees of officers of.

Salaries in
counties of
nineteenth
class
(Contra
Costa).

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 office, the following salaries, to wit:

1. The county clerk, thirty-two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy county clerk, who shall be appointed by the county clerk, and paid a salary of seventy-five dollars per month, said salary to 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 county clerk is paid. A registration clerk to be appointed by the county clerk and hold office during the pleasure of the county clerk, at a salary of seventy-five dollars per month, payable out of the same fund and in the same manner as the salary of other county officers are paid.

2. The sheriff, five thousand dollars per annum, and such mileage as is now allowed by law; all expenses incurred in criminal cases, and also all fees for services of papers in actions arising outside of his county and the sum of 37½ cents per day, for feeding each prisoner committed to his custody; and one deputy sheriff to act as jailer, shall be appointed by the sheriff, and be paid a salary of fifty dollars per month, said salary to 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 sheriff is paid.

3. The recorder, thirty-two hundred and fifty dollars per

annum, and ten cents per name for inserting each name (as grantor or grantee) in the general index; and ten cents for each and every mortgage, trust-deed and tax sale abstracted in preparing abstract of mortgage and tax sales for the assessor; the cost thereof shall be a charge against the county and payable out of the general fund.

Salaries in
counties of
nineteenth
class
(Contra
Costa).

4. The auditor, two thousand four hundred dollars per annum. The county auditor shall charge and collect for the clerical service of making estimates of tax sales provided for in section 3817 of this code the sum of twenty-five cents for each tax sale if the property is delinquent for two years or less; the sum of fifty cents for each sale if the property is delinquent for more than two years.

If said estimates are returned to the auditor and redemption made within ten days from date of issue and prior to the charge of penalty, as provided for in section number 3817 of this code, the amount charged for making said estimates shall be refunded to the redemptioner. If the redemption is not made as herein provided then the sum charged for making the estimate shall be retained by said auditor for his services of making said estimates.

5. The treasurer, twenty-five hundred dollars per annum; *provided*, that a bond of the treasurer shall be executed with a reliable bond and security company, and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund.

6. The tax collector, eighteen hundred dollars per annum, and as license tax collector, ten per cent of all licenses collected; *provided*, that in counties of this class there shall be one deputy tax collector, who shall be appointed by the tax collector, and paid a salary of sixty-five dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy district attorney, who shall be appointed by the district attorney, and paid a salary of one hundred dollars per month, said salary to 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.

8. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and paid a salary of seventy-five dollars per month, said salary to 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 superintendent of schools is paid.

9. The assessor, thirty-two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be

one deputy assessor, who shall be appointed by the assessor, to hold office during the months of March, April, May, and June in each year and be paid a salary of seventy-five dollars per month, during said four months, said salary to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

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

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

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

Salaries
and fees of
justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, fifty dollars a month; in townships having a population of two thousand and less than twenty-five hundred, forty-five dollars a month; in townships having a population of twelve hundred and less than two thousand, forty dollars a month; in townships having a population of one thousand and less than twelve hundred, twenty dollars a month; in townships having a population of four hundred and fifty and less than one thousand, fifteen dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month. Each justice must pay into the county, once a month all fines collected by him in criminal cases, and the auditor must withhold warrants for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

Salaries
and fees of
constables.

14. Constables shall receive the following salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; in townships having a population of two thousand and less than twenty-five hundred, seventy-seven and one half dollars a month; in townships having a population of twelve hundred and less than two thousand, seventy-five dollars a month; in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; in townships having a population of four hundred and fifty and less than one thou-

sand, twenty-five dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For transporting prisoners to the county jail, the actual expense of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, nineteen hundred and nine, and on the first Monday after the first day of January every succeeding two years thereafter.

Deter-
mination
of popu-
lation.

16. Each member of the board of supervisors, nine hundred dollars per annum; and as road commissioner, three hundred dollars per annum.

Salaries
of super-
visors.

17. Grand jurors or trial jurors in criminal cases in the superior court shall receive, as compensation for each day's attendance, per day, three dollars; and for each mile actually traveled, in attending court as a grand juror or juror in a criminal case, in the superior court in going only, per mile, fifteen 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 draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same.

Fees of
jurors.

ARTICLE XX.

COUNTIES OF THE TWENTIETH CLASS.

Section 4249. Salaries and fees of officers of.

4249. In counties of the twentieth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries in
counties of
twentieth
class
(River-
side).

1. The county clerk, three thousand two hundred dollars per annum; *provided* that in years when a great register is required by law to be made the county clerk shall receive in addition to his regular salary the sum of five hundred dollars for such service.

2. The sheriff, forty-three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, twelve hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, and five cents for each name indexed, which said amount shall be paid out of the county

Salaries in
counties of
twentieth
class
(River-
side).

treasury, and which payment shall be in full for all services, including the recording of mining claims.

4. The auditor, two thousand two hundred dollars per annum. The county auditor shall charge and collect for the clerical labor of making estimates of tax sales, provided for in section thirty-eight hundred and seventeen of this code, the sum of twenty-five cents for each tax sale, if the property is delinquent for two years or less; and the sum of fifty cents for each sale if said property is delinquent for more than two years. If said estimates are returned to the auditor and redemption made within twenty days from the date of issue and prior to the charge of penalties as provided in section thirty-eight hundred and seventeen of this code, the amounts charged for making said estimates shall be refunded to the redemptioner; if redemption is not made as herein provided, then the sums charged for making the estimates shall be retained by the auditor for his services of making said estimates.

5. The treasurer, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one deputy, to be appointed by him, who shall receive from the county a salary of forty dollars per month, 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 treasurer.

6. The tax collector, twenty-five hundred dollars per annum.

7. The assessor, forty-eight hundred dollars per annum, which shall be in full for all work in his office and for his field deputies.

8. The district attorney, eighteen hundred dollars per annum.

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

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

11. The superintendent of schools, two thousand dollars per annum. His office shall be kept open on all business days from 9 A. M. to 5 P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the county school superintendent of schools, one deputy to be appointed by him who shall receive from the county a salary of eighty-five dollars per month, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools.

12. The surveyor, fifteen hundred dollars per annum, and in addition thereto all necessary expenses and transportation on work performed in the field; *provided*, that in counties of this class, when the board of supervisors order a new set of assessor's maps made, there shall be and there hereby is allowed to the surveyor, for such purpose, three draughtsmen, who shall be appointed by the surveyor of said county, and shall be paid salaries as follows: One draughtsman at a salary of eighty dollars per month; two draughtsmen at a

salary of seventy-five dollars per month each. The salaries of the draughtsmen, herein provided for, 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 surveyor.

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 in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month. Each justice must pay into the county treasury; once a month, all fines collected by him in criminal cases, and the auditor shall withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

Salaries of
justices of
the peace.

14. Constables 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: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; *provided* that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest or

Salaries
and fees of
constables.

other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him herein, each constable shall receive for his own use in civil cases the fees allowed by law.

Deter-
mination
of popu-
lation.

15. The population of the several townships shall be determined by the last United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for presidential electors cast in such township at the last preceding presidential election by five.

Salaries
of super-
visors.

16. Each supervisor, five hundred dollars per annum, and fifteen cents per mile one way for traveling from his residence to the county seat; *provided*, that not more than four mileages shall be allowed in any one month. When serving as road commissioner, such fees as are now or may be hereafter allowed by law.

Terms of
office
of super-
visors.

The terms of office of supervisors of counties of this class elected from their respective supervisorial districts at the general election held in the year 1906, are, and are hereby determined and declared to be, as follows: The term of office of supervisors elected from the first, fourth, and fifth supervisorial districts expires in two years from the first Monday after the first day of January, 1907, and the term of office of the supervisors elected from the second and third supervisorial districts expires in four years from the first Monday after the first day of January, 1907.

Salary
and fees of
court
reporter.

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, and for taking notes of the proceedings and testimony at all coroner's inquests in the county, when requested by the coroner, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, when requested by the district attorney, a monthly salary of one hundred dollars (\$100) payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes when required he shall receive the sum of five cents per folio for the original and five cents per folio for copy, said compensation for transcription in criminal cases, coroner's inquests and preliminary examinations 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. When necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are the other county charges.

ARTICLE XXI.

COUNTIES OF THE TWENTY-FIRST CLASS.

Section 4250. Salaries and fees of officers of.

4250. In counties of the twenty-first class county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Salaries in counties of twenty-first class (Nevada)

1. The county clerk, three thousand dollars per annum, and when a great register of voters is required by law to be made he shall receive six hundred and fifty dollars additional, which shall be in full for all services rendered in registering voters and making the great register.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justice's courts, the same fees as are now or may be hereafter allowed by law to constables for like service.

3. The recorder, three thousand two hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

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

6. The tax collector, six hundred and fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum. The deputy district attorney to hold office at the pleasure of the district attorney. The salary of such deputy to be paid monthly and in the same manner as salaries of county officers are now paid.

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

10. The public administrator, four hundred dollars per annum.

11. The superintendent of schools, two thousand dollars per annum; *provided*, if he shall engage in any other occupation during his term of office his salary shall only be six hundred dollars per annum.

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

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and twenty cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board. Salaries of supervisors.

14. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that justices of the peace of townships containing four thousand five hundred inhabitants or more shall be allowed a salary of six hundred dollars per Salaries and fees of justices of the peace.

annum, payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services rendered by him in criminal cases; *provided further*, that justices of the peace shall, before receiving their monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for same. All fines collected by justices of the peace shall be turned over to the county treasurer of said county within ten days after receipt of same; *provided*, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions.

Salaries
and fees of
constables.

15. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that constables of townships containing two thousand inhabitants or more shall be allowed a salary of four hundred and eighty dollars per annum, payable monthly and in the same manner as county officers are paid, and shall be in full for all services rendered by them in criminal cases; *provided further* that they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury. In addition to the monthly salary 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 all services rendered by him in civil actions. For the purpose of regulating salaries of justices 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.

Fees
of official
reporter.

16. In counties of this class the official reporter of the superior court shall receive such fees as are now or may be hereafter allowed by law, and when necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges.

ARTICLE XXII.

COUNTIES OF THE TWENTY-SECOND CLASS.

Section 4251. Salaries and fees of officers of.

Salaries in
counties of
twenty-
second
class
(Shasta).

4251. In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive three hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

2. The sheriff, fifty-one hundred dollars per annum, which includes the fifteen hundred dollars heretofore allowed the under sheriff. He shall also have for his own use all fees for service of all papers served by him and issued without his county. The said fifty-one hundred dollars to be in full of all fees or percentages as license collector.

3. The recorder, thirty-two hundred dollars per annum, in full of all services, including filing and recording mining and other location notices.

4. The auditor, twelve hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twelve hundred dollars per annum, and he is hereby allowed in addition thereto ten deputies, to be appointed by him, who shall each receive four dollars per day for not exceeding three months in any calendar year, while engaged in the performance of their duties; *provided*, that the amount paid for services of deputy assessors shall not exceed twenty-four hundred dollars in any one year.

8. The district attorney, twenty-one hundred dollars per annum, and he is hereby allowed in addition thereto one deputy appointed by him, who shall receive nine hundred dollars per annum.

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

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

11. The superintendent of schools, eighteen hundred dollars per annum, and necessary expenses for traveling in visiting schools in the county, to be allowed by the supervisors of the county.

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

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 nineteen hundred, as follows: Townships having a population of three thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than three thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand shall belong to and be known as townships of the third class; and townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class.

Classification of townships.

Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, eighty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third

Salaries of justices of the peace.

class, twenty dollars per month; and in townships of the fourth class, ten dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and examinations, each justice of the peace may, for his own use, collect the following fees, and no other, in civil actions:

Fees of
justices of
the peace.

Each justice of the peace shall be allowed, in civil actions before him, for all services to be performed by him before trial, three dollars; and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing of witnesses and jury, and the entry of judgment and issue of execution thereon, four dollars; and fifteen cents for each hour actually engaged in such trial after the expiration of eight hours; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice of the peace before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued, not otherwise provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

Salaries of
constables.

14. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-

five dollars per month; in townships of the third class, twenty dollars per month, and in townships of the fourth class, ten 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 prisoners to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming, in the service of subpoenas, in criminal cases, per mile, ten cents; which said expenses 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 in criminal actions and cases, each constable may, for his own use, collect the following fees, and no others, in civil actions: Fees of constables.

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 writ 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 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.

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.

15. Each member of the board of 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.

ARTICLE XXIII.

COUNTIES OF THE TWENTY-THIRD CLASS.

Section 4252. Salaries and fees of officers of.

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, to wit:

1. The county clerk, four thousand five hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made, the county clerk shall receive in addition to his regular salary the sum of eight hundred dollars for such service.

2. The sheriff, six thousand dollars per annum.

3. The recorder, three thousand two hundred dollars per annum.

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

5. The treasurer, two thousand dollars per annum.

Fees payable in advance.

Monthly reports.

Salaries of supervisors.

Salaries in counties of twenty-third class (Butte).

6. The tax collector, one thousand dollars per annum.

7. The assessor, three thousand five hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, to be appointed by him, viz: One deputy for each bona fide increase of two hundred real estate statements made for assessment purposes over and above three thousand of such statements, and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars, for the months of March, April, May and June of each year. The salary of said deputies to be paid in the same manner, and out of the same fund as the assessor, upon the presentation of a certificate that services have been performed, and signed by the assessor.

8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney, nine hundred dollars per annum.

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

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

11. The superintendent of schools, fifteen hundred dollars per annum.

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

13. In counties of this class the township officers shall receive the following compensation, to wit:

Salaries
and fees of
township
officers.

In townships having a population of twenty-five hundred, or more, each justice of the peace shall receive a salary of one hundred and twenty-five dollars per month, and each constable a salary of ninety dollars per month.

In townships having a population of two thousand, or more, and less than two thousand five hundred, each justice of the peace shall receive a salary of twenty dollars per month, and each constable a salary of twenty dollars per month;

In townships having a population of twelve hundred and thirty, or more, and less than two thousand, each justice of the peace shall receive a salary of fifty dollars per month, and each constable a salary of seventy dollars per month;

In townships having a population of one thousand, or more, and less than twelve hundred and thirty, each justice of the peace shall receive a salary of twenty-five dollars per month, and each constable a salary of twenty dollars per month;

In townships having a population of five hundred, or more, and less than one thousand, each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month;

In townships having a population of four hundred, or more, and less than five hundred each, justice of the peace shall receive a salary of seven dollars and fifty cents per month, and each constable a salary of ten dollars per month;

In townships having a population of less than four hundred, each justice of the peace shall receive a salary of five dollars

per month, and each constable a salary of five dollars per month;

The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid the actual expense of transporting prisoners, after conviction, to the county jail, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Said justices of the peace and constables may receive and retain for their own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions.

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

Salaries
of super-
visors.

15. Each member of the board of supervisors \$1,200.00 per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided* the amount of mileage shall not exceed the sum of \$300.00 in any one year.

Per diem
of board of
education.

16. Member of the board of education, each the sum of five dollars per day for actual service, together with mileage at ten cents per mile.

ARTICLE XXIV.

COUNTIES OF THE TWENTY-FOURTH CLASS.

Section 4253. Salaries and fees of officers of.

Salaries in
counties of
twenty-
fourth
class
(Siskiyou).

4253. In counties of the twenty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, six thousand dollars per annum.
3. The recorder, twenty-five hundred dollars per annum.
4. The auditor, fifteen hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, eighteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, fifteen hundred dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county, to be fixed and allowed by the board of supervisors, not to exceed the sum of five hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.
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.

13. Justices of the peace in townships having a population of fifteen hundred, or more, shall receive a monthly salary of forty dollars per month; in townships having a population of one thousand or less than fifteen hundred shall receive a salary of thirty dollars per month; and in townships having a population of less than one thousand, shall receive a salary of ten dollars per month, and all justices shall make monthly reports and pay all fines to county every month.

Salaries and fees of justices of the peace.

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. 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. In civil cases they may retain the fees that are now or may hereafter be allowed by law.

Salaries and fees of constables

15. The meetings of the board of supervisors shall be monthly and 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 dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat.

Salaries of supervisors.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and when requested by the district attorney, for preliminary examinations in justice's court, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for a 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.

Salary and fees of official reporter.

ARTICLE XXV.

COUNTIES OF THE TWENTY-FIFTH CLASS.

Section 4254. Salaries and fees of officers of.

4254. In counties of the twenty-fifth class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries in counties of twenty-fifth class (San Luis Obispo).

1. The county clerk, four thousand dollars per annum.

2. The sheriff, five thousand five hundred dollars per annum.
3. The recorder, two thousand dollars per annum, and six cents for each folio recorded.
4. The auditor, twenty-four hundred dollars per annum.
5. The treasurer, twenty-seven hundred dollars per annum.
6. The tax collector, two thousand dollars per annum, and one deputy at nine hundred dollars per annum.
7. The assessor, four thousand dollars per annum, and one deputy, at a salary of nine hundred dollars per annum.
8. The district attorney, twenty-five hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy, at nine hundred dollars per annum.
12. The surveyor, shall receive one thousand five hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block book for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors eight hundred dollars per annum, and his necessary expenses when attending to the business of the county, and ten cents per mile in going from his residence to the county seat in attending upon all regular meetings of the board of supervisors. For serving as road commissioner two hundred dollars per annum. Each supervisor shall be allowed his actual traveling expenses while supervising the roads of his districts, not to exceed fifteen dollars in any one month.

Fees of township officers.

Salaries of supervisors.

ARTICLE XXVI.

COUNTIES OF THE TWENTY-SIXTH CLASS.

Section 4255. Salaries and fees of officers of.

Salaries in counties of twenty-sixth class (Kern).

4255. In counties of the twenty-sixth class, the officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, five thousand dollars per annum, and twelve and a half cents for each elector registered.
2. The sheriff, seven thousand dollars per annum. He may

retain for his own use the mileage and fees for the service of papers or process issued by any court of this state outside of his county.

3. The recorder, sixteen hundred dollars per annum, seven cents for each folio recorded, and five cents for each name indexed.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, three thousand dollars per annum.

7. The assessor, five thousand dollars per annum.

8. The district attorney, four thousand dollars per annum; *provided*, that he shall be disqualified from engaging in any cause or action to which the county or state is not a party.

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

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

11. The superintendent of schools, eighteen hundred dollars per annum (which shall include his services as a member of the board of education), and his actual traveling expenses when visiting schools, not to exceed ten dollars per district.

12. The surveyor shall receive twelve hundred dollars per annum, and traveling and official expenses in the county.

13. Each supervisor, six dollars per day while in the service of the county, and thirty cents per mile for traveling from his residence to the county seat. Salaries of supervisors.

14. In counties of this class the township officers shall receive the following compensation, to wit: Salaries of township officers.

In townships having a population of six thousand, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and constables a monthly salary of one hundred and twenty-five dollars per month;

In townships having a population of three thousand, or more, and less than six thousand, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of eighteen hundred and forty-four, or more, and less than three thousand, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars;

In townships having a population of seventeen hundred and seventy-five, or more, and less than eighteen hundred and forty-four, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of seventeen hundred and sixty, or more, and less than seventeen hundred and seventy-five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of seventy-five dollars per month;

In townships having a population of thirteen hundred and

Salaries of
township
officers.

eighty, or more; and less than seventeen hundred and sixty, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of eleven hundred and seventy-five, or more, and less than thirteen hundred and eighty, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month;

In townships having a population of eight hundred and eighty, or more, and less than eleven hundred and seventy-five, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of thirty dollars per month;

In townships having a population of seven hundred and eighty, or more, and less than eight hundred and eighty, 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 seven hundred and sixty-five, or more, and less than seven hundred and eighty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of six hundred and forty, or more, and less than seven hundred and sixty-five, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of six hundred and five, or more, and less than six hundred and forty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of five hundred and sixty, or more, and less than six hundred and five, 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 two hundred and ten, or more, and less than five hundred and sixty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars;

In townships having a population of less than two hundred and ten, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail the actual expense of such transportation;

Said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

Fees of.

And provided, further, 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 preceding presidential election by five. Determination of population.

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

15. The official reporter of the superior court shall receive, as full compensation in taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and fifty dollars, payable out of the county treasury at the same time and in the same manner and from the same fund as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of fifteen cents per folio for the original and five cents per folio for a 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. Salary and fees of official reporter.

ARTICLE XXVII.

COUNTIES OF THE TWENTY-SEVENTH CLASS.

Section 4256. Salaries and fees of officers of.

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, to wit: Salaries in counties of twenty-seventh class (Napa).

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling great register of the county.

2. The sheriff, five thousand dollars per annum, and the fees, mileage or commissions for the services of all papers whatever issued by any court outside of his county, and all mileage for service of papers issued out of any civil case in his own county.

3. The recorder, two thousand dollars per annum; *provided* that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided,* that when the amount of said fees so collected shall amount to more than one hundred and fifty dollars in any month, the said recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and fifty dollars in any month so collected.

4. The auditor, seven hundred and fifty dollars per annum.

5. The treasurer, two thousand dollars per annum, and fees as now provided.

6. The tax collector, two thousand dollars per annum, and fees on delinquent poll taxes, which shall be in full for all services as tax collector.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum. In counties of this class the district attorney may 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 his services the sum of six hundred dollars per annum to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officers are paid.

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

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

11. Superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

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

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 nineteen hundred 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 and constables shall receive the following salaries, which shall be paid monthly, in the same manner as salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dollars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars, and in townships of the fourth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace and 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. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Salaries
and fees of
township
officers.

Salary and
fees of
official
reporter.

14. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil or criminal cases in the superior court, tried therein, and at preliminary examinations before the justices' courts of the county and for taking notes at all coroners' inquests, a monthly salary of one hundred and twenty-five dol-

lars, payable out of the county treasury at the same time and in the same manner as the salary of other county officers, and for transcription of said notes, when required, the sum of ten cents per folio for the original, and five cents per folio for a copy shall be paid the reporter making the transcription; *provided*, that said official reporter herein designated shall perform all the services necessary in the superior court of the county, at all preliminary examinations held before justices of the peace of the county and at all coroners' inquests. Said compensation for transcription in criminal cases, at preliminary examinations and at coroners' inquests to be allowed on the order of the court, or the coroner, as the case may be, 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. Said official reporter shall furnish his own type-writing machine, and shall also receive from the county his actual traveling expenses, when required to travel to and from any justices' court within the county, except the county seat.

15. Each member of the board of supervisors shall receive one thousand dollars per annum, payable monthly, which shall be in full for all services as supervisors. Salaries
of super-
visors.

ARTICLE XXVIII.

COUNTIES OF THE TWENTY-EIGHTH CLASS.

Section 4257. Salaries and fees of officers of.

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: Salaries in
counties of
twenty-
eighth
class
(Placer).

1. The county clerk, three thousand two hundred fifty dollars per annum; and in each year in which a new and complete registration of voters is required by law, he shall receive such additional amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed.

2. The sheriff, six thousand dollars per annum.

3. The recorder, two thousand two hundred fifty dollars per annum. The recorder shall collect and pay into the county treasury the fees required by law; *provided*, that there shall be and hereby is allowed to the recorder one deputy, to be appointed by the recorder, whose salary is hereby fixed at nine hundred dollars per annum, which salary 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 recorder.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, four thousand two hundred and fifty dollars per annum.

8. The district attorney, two thousand two hundred fifty dollars per annum.

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

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

11. The superintendent of schools, eighteen hundred dollars per annum, including services on board of education. He shall be allowed his actual traveling expenses not to exceed three hundred dollars per annum; he shall also be allowed one deputy whose salary shall be fifty dollars per month, payable the same as the salaries of county officers; *provided* that he shall keep his office open from nine o'clock A. M. to five o'clock P. M. of each business day.

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

Fees of
justices of
the peace.

13. The justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that the amount allowed by the board of supervisors for services in prosecutions under section six hundred and forty-seven of the Penal Code, and prosecutions for fraudulently evading or attempting to evade the payment of fare for traveling on any railroad, shall not exceed twenty dollars for any one month; *provided, further*, that the amount allowed by the board of supervisors for services in prosecutions of misdemeanor cases other than those hereinbefore specified in this subdivision, shall not exceed the sum of thirty dollars for any one month.

Limita-
tion.

Fees of
constables.

14. The constable shall receive the following fees, to wit: For serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies; for serving any writ, notice or order, except summons, complaints or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one half per cent, to be charged against the defendant named in the execution; for executing and delivering certificate of sale, one dollar; for executing and delivering constable's deed, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper,

or to take a prisoner before a magistrate or to prison, twenty-five cents; outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile necessarily traveled outside of his county in making criminal arrests, both going and returning from place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage, his actual and necessary expenses for himself and prisoner; *provided*, that where two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters. Limit of fees.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner, he shall receive twenty cents per mile one way for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such road commissioner. Salaries of supervisors.

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

ARTICLE XXIX.

COUNTIES OF THE TWENTY-NINTH CLASS.

Section 4258. Salaries and duties of officers of.

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, to wit: Salaries in counties of twenty-ninth class (Marin).

1. The county clerk, two thousand two hundred and fifty dollars per annum, and when a new great 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, a

deputy, who shall be appointed by said county clerk, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly instalments at the same time and in the same manner and out of the same fund, as the salary of the county clerk is paid.

2. The sheriff, four thousand five hundred dollars per annum; and also all fees for services of papers in actions arising outside of his county.

3. The recorder, two thousand one hundred dollars per annum.

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

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

6. The tax collector, one thousand per annum.

7. The assessor, two thousand five hundred dollars per annum; and also such fees and commissions as are allowed by law.

8. The district attorney, two thousand four hundred dollars per annum.

9. The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting the schools of his county.

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

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

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

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or a preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court.

15. Each supervisor, fifty dollars per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat at each session.

16. Each member of the board of education, including the secretary, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided for by law.

ARTICLE XXX.

COUNTIES OF THE THIRTIETH CLASS.

Section 4259. Salaries and fees of officers of.

Salaries in counties of thirtieth class (Ventura). **4259.** In counties of the thirtieth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

Fees of township officers.

Salaries of supervisors.

Per diem of board of education.

1. The county clerk, three thousand dollars per annum.
 2. The sheriff, five thousand seven hundred dollars per annum. Also, the following, to be audited and paid as other county charges: For every mile necessarily traveled in executing any warrant of arrest, twenty-five cents per mile; for taking prisoners to magistrate or jail, the actual cost of such transportation.
 3. The recorder, three thousand dollars per annum, which shall be in full for all services.
 4. The auditor, one thousand eight hundred dollars per annum.
 5. Tax collector, two thousand dollars per annum.
 6. Assessor, three thousand two hundred dollars per annum.
 7. The treasurer, one thousand six hundred dollars per annum.
 8. The district attorney, one thousand eight hundred dollars per annum.
 9. The coroner, such fees as are now or may hereafter be allowed by law.
 10. The public administrator, such fees as are now or may hereafter be allowed by law.
 11. The superintendent of schools, two thousand five hundred dollars per annum, which shall be in full for all services performed, including the visiting of the schools of his county; *provided*, that he may receive such fees as are now or may hereafter be allowed by law for services as a member of the county board of education.
 12. The county surveyor shall receive one thousand eight hundred dollars per annum, and the necessary cost of transportation to and from, and necessary expenses while in the field when engaged on public work.
 13. For the purpose of regulating the compensation of justices of the peace, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, 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 two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class.
- Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualified in any township, then the said justices shall each receive one half ($\frac{1}{2}$) of the salary herein provided for: In townships of

Classification of townships, for salaries of justices of the peace.

Salaries and fees of justices of the peace.

the first class, seventy dollars; in townships of the second class, sixty dollars; in townships of the third class, forty dollars; in townships of the fourth class, twenty dollars; in townships of the fifth class, ten dollars; *provided*, that each 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 the same. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions.

Classification of townships, for salaries of constables.

14. For the purpose of regulating the salaries of 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, 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 two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class.

Salaries and fees of constables.

Constables shall receive the following salaries, which shall be paid monthly, in the same manner as such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided, however*, that if two constables shall be elected and qualify in any township, then each of the said constables shall each receive one half ($\frac{1}{2}$) of the salary herein provided for: In townships of the first class, eighty dollars; in townships of the second class, seventy dollars; in townships of the third class, fifty dollars; in townships of the fourth class, twenty-five dollars; in townships of the fifth class, ten dollars. 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 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 said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Salaries of supervisors.

15. Each supervisor, six dollars per day when the board is in session and twenty cents per mile for traveling from his residence to the county seat. For his services as road commissioner, three hundred dollars per annum, payable in monthly installments.

Salary and fees of official reporter.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in all civil and criminal causes and proceedings in said court,

and for taking notes of the proceedings and testimony at all coroner's inquests in the county, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, and for taking notes of the testimony and proceedings of cases and commissions for the examination of persons charged with being of unsound mind, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when the transcription thereof is required by law, or by order of the court, or by demand of any party to the suit or proceeding, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in all criminal cases and coroner's inquests and examinations of persons charged with being of unsound mind, to be audited and allowed by the board of supervisors, as other claims against the county, and in civil cases and proceedings to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, when and in such proportions as the court may direct. When necessary for such reporter to travel away from the county seat, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges.

ARTICLE XXXI.

COUNTIES OF THE THIRTY-FIRST CLASS.

Section 4260. Salaries and fees of officers of.

4260. In counties of the thirty-first class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.
2. The sheriff, four thousand five hundred dollars per annum.
3. The recorder, two thousand five hundred dollars per annum.
4. The auditor, fifteen hundred dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, twelve hundred dollars per annum.
7. The assessor, three thousand dollars per annum.
8. The district attorney, two thousand three hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

Salaries in
counties of
thirty-first
class
(Yolo)

12. The county surveyor, one thousand five hundred dollars per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two thirds of the working days in any month, except on payment of fees now allowed by law.

Salaries
and fees of
justices of
the peace.

13. Justices of the peace, the following monthly salaries, to be paid each month as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of twenty-five hundred and more, sixty-five dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. In all townships having a population of less than twenty-five hundred if there be more than one justice, the compensation allowed herein shall be equally divided between them so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single justice in such township.

Salaries
and fees of
constables.

14. Constables, the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in such township. The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purposes of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

Deter-
mination
of popu-
lation of
townships.

Salaries
of super-
visors.

15. Each supervisor, five hundred dollars per annum and his necessary expenses when attending to the business of his county, other than the meetings of the board, and thirty cents per mile in going from his residence to the county seat at each meeting of the board, and three hundred dollars per annum, payable quarterly, for services as road commissioner.

ARTICLE XXXII.

COUNTIES OF THE THIRTY-SECOND CLASS.

Section 4261. Salaries and fees of officers of.

4261. In counties of the thirty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries in counties of thirty-second class (San Mateo).

1. The county clerk, three thousand dollars per annum; and in any year when a new great register of voters is required by law, he shall receive five hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register.

2. The sheriff, four thousand five hundred dollars per annum, and mileage at the rate of twenty-five cents per mile necessarily traveled in going only.

3. The recorder, three thousand five hundred dollars per annum.

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

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, four thousand dollars per annum.

8. The district attorney, two thousand four hundred dollars per annum.

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

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

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor shall receive one thousand six hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

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 in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition

Salaries and fees of justices of the peace.

to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law, and shall also collect and retain for his own use such fees as are now or may be hereafter allowed by law for services rendered by him as coroner, when acting as such.

Salaries
and fees of
constables.

14. Constables 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 in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed 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.

Per diem
of board of
education.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code.

Salaries
of super-
visors.

16. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner, he shall receive, in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars.

ARTICLE XXXIII.

COUNTIES OF THE THIRTY-THIRD CLASS.

Section 4262. Salaries and fees of officers of.

4262. In counties of the thirty-third (33) class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries in counties of thirty-third class (Calaveras).

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

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 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 own county.

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.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

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.

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.

8. The district attorney, two thousand dollars per annum and necessary traveling expenses to be allowed by the board of supervisors.

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

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

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

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.

Salaries
and fees of
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.

Salaries
of super-
visors

14. Each supervisor, six hundred dollars per annum and twenty cents per mile traveling to county seat, which shall be in full compensation for all services, both as supervisor and

road commissioner; *provided*, that in case the said supervisors shall not serve as road commissioners, the salary for supervisor shall be four hundred dollars per annum.

15. For attending as a grand juror, or a trial juror in criminal cases only, 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 criminal cases, 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.

Fees of
jurors.

ARTICLE XXXIV.

COUNTIES OF THE THIRTY-FOURTH CLASS.

Section 4263. Salaries and fees of officers of.

4263. In counties of the thirty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries in
counties of
thirty-
fourth
class (Tuo-
lomme).

1. The county clerk, two thousand four 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.

2. The sheriff, four thousand dollars per annum, and the fees, mileage and commissions for the services 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.

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 collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars, in any month so collected; so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month.

4. The auditor, one thousand dollars per annum.

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

6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.

7. The assessor, twenty-six hundred 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 and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday in July of each year. The salary of said 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 same time and in the same manner and out of the same fund as is the salary of the assessor.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, six hundred dollars per annum.

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

11. The superintendent of schools, one thousand dollars per annum, and actual traveling expenses while visiting the schools of his county.

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.

Salaries
of super-
visors.

13. Supervisors, each the sum of six hundred dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning, once during each month.

Classifica-
tion 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 1900; townships having a population of two thousand four hundred and not 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.

Salaries of
justices of
the peace.

15. In townships of the first class, justices of the peace shall receive forty dollars a 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 criminal cases. In townships of the second class, justices of the peace shall receive thirty 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 criminal cases.

Salaries of
constables.

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 trans-

portation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of sixty dollars per month, and constables of townships of the second class shall receive a monthly salary of forty dollars per month. *Provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case he shall be allowed mileage both going and coming, outside of his own county, at the rate of ten cents per mile, but shall not be allowed any sum for any other expenses.

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; said 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.

Fees
of official
reporter.

Jurors' and witness fees, in criminal cases, shall be as follows:

18. For attending as a grand juror or a 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, twenty-five 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 then draw his warrant therefor and the treasurer shall pay the same.

Fees
of jurors.

Witness fees shall be as follows:

19. For each day's actual attendance, when legally required to attend upon the superior court, per day, one dollar and fifty cents in criminal cases. Mileage actually traveled, one way only, per mile, ten cents; *provided, however*, that such per diem and mileage shall only be allowed on a showing to the court, by the witness, that he is in indigent circumstances and is unable to bear the expense incident to attending court, while required so to do, and that such per diem and mileage are necessary for the expenses of the witness in attending; and the court shall determine the necessity of the same, and shall then make an order directing the auditor to draw his warrant on the county treasurer for the amount allowed, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Fees of
witnesses.

ARTICLE XXXV.

COUNTIES OF THE THIRTY-FIFTH CLASS.

Section 4264. Salaries and fees of officers of.

4264. In counties of the thirty-fifth class, the county officers shall receive, as compensation for the service required of them by law or by virtue of their office, the following salaries, to wit:

Salaries in
counties of
thirty-fifth
class
(Amador).

Salaries in
counties of
thirty-fifth
class
(Amador).

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

2. The sheriff, four thousand two hundred and fifty dollars per annum; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and, provided further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all service of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, one thousand eight hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, five hundred dollars per annum; *provided*, as license collector, he shall, in addition, be entitled to receive, and retain for his own use and benefit, ten per cent on all licenses collected by him.

7. The assessor, one thousand eight hundred dollars per annum, and one deputy not to exceed five dollars per day for not more than one hundred and twenty-five days in any year, and one field deputy not to exceed five dollars per day, for not more than one hundred and twenty-five days in any one year to be paid out of the county treasury.

8. The district attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

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

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

11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. And if the board of supervisors provide that he shall not engage in teaching, then he shall receive one thousand two hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

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 one surveyor or civil engineer.

13. 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 forty 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 thirty-five dollars per

Salaries
and fees of
township
officers.

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 thirty dollars per month, and constables a monthly salary of fifty dollars per month.

In townships having a population of more than fourteen hundred and not less than eighteen hundred, justices of the peace shall receive a monthly salary of twenty-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 twenty-five 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; *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 five. But said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

Deter-
mination
of popu-
lation.

14. Each supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner.

Salaries
of super-
visors.

ARTICLE XXXVI.

COUNTIES OF THE THIRTY-SIXTH CLASS.

Section 4265. Salaries and fees of officers of.

4265. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries in
counties of
thirty-
sixth class
(Tehama).

1. The county clerk, twenty-two hundred dollars per annum.
2. The sheriff, forty-five hundred dollars per annum and all mileage now allowed by law.
3. The recorder, three thousand dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand dollars per annum, and five per cent on all licenses collected by him as license collector.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, one thousand eight hundred dollars per annum.

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

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

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The superintendent shall be allowed one deputy for a period of not exceeding five months in any one year, which said deputy shall be allowed a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as other county officers.

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors; *provided further*, that whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

Salaries
and fees of
justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

Salaries
and fees of
constables.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases, such fees as are now or may hereafter be allowed by law.

Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of twelve hundred dollars shall be payable monthly.

Salaries of supervisors.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote cast for governor on the sixth day of November, 1906, in each township.

Determination of population of townships.

ARTICLE XXXVII.

COUNTIES OF THE THIRTY-SEVENTH CLASS.

Section 4266. Salaries and fees of officers of.

4266. In counties of the thirty-seventh class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries in counties of thirty-seventh class (Kings).

1. The county clerk, twenty-five hundred dollars per annum.
2. The sheriff, four thousand dollars per annum, and one jailer at a salary of nine hundred dollars per annum.
3. The recorder, eighteen hundred dollars per annum.
4. The auditor, fifteen hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, two thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum.
9. The coroner, such fees as are now or may hereafter be provided by law.
10. The public administrator, such fees as are now or may hereafter be provided by law.
11. The superintendent of schools, fifteen hundred dollars per annum.
12. The surveyor, such fees as are now or may hereafter be provided by law.

13. Each supervisor shall receive for compensation five dollars per day for all services performed as supervisor and member of the board of equalization, not to exceed the sum of four hundred dollars per annum; also, three dollars per day for each day actually engaged in performing the duties of road commissioner, not to exceed three hundred dollars per annum. The terms of office of the supervisors of counties of this class elected from their respective supervisory districts at the last general election are as follows, to wit: The term of office of the supervisors elected from the first and third supervisory districts expires in two years from the first Monday after the first day of January, 1907, and the term of office of the supervisors elected from the second, fourth, and fifth supervisory districts terminates in four years from the first Monday after the first day of January, 1907.

Per diem of supervisors.

Terms of office of.

Salaries and fees of township officers.

14. In counties of this class, the township officers shall receive the following compensation, to wit: In townships having a population of four thousand, justices of the peace shall receive a monthly salary of seventy-five dollars; and constables a monthly salary of seventy-five dollars. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; they may also retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law. In townships having a population of less than four thousand, each justice of the peace and each constable shall receive as compensation for his services such fees as are now, or may hereafter be, provided by law.

ARTICLE XXXVIII.

COUNTIES OF THE THIRTY-EIGHTH CLASS.

Section 4267. Salaries and fees of officers of.

Salaries in counties of thirty-eighth class (Stanislaus).

4267. In counties of the thirty-eighth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand seven hundred dollars per annum; *and provided* that in each year when a new registration is required he shall receive in addition to his salary the sum of ten (10) 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.

2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary, shall not exceed the sum of three thousand dollars in any one year.

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

5. The treasurer, one thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

6. The tax collector, one thousand dollars per annum, and the fees and commissions now or hereafter allowed by law.

7. The assessor, two thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following dep-

uties, viz: One deputy for each bona fide increase of one hundred real estate statements made for assessment purposes over and above two thousand five hundred of such statements, and not to exceed in all six deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars for a period of not to exceed two months in any one year, said compensation to be paid monthly in the same manner as county officers are paid.

Salaries in counties of thirty-eighth class (Stanislaus).

8. The district attorney, two thousand dollars per annum.

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

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

11. The superintendent of schools, one thousand five hundred dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expense shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of fifty dollars per month, to be paid at the same time and in the same manner as other county officers.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy at a salary of one thousand dollars per annum; said deputy to be appointed by the principal and be paid at the same time and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make and correct all necessary plats, maps, and block books for the assessor's office, and all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county, on the representations of the county surveyor, it is necessary to employ additional assistance for the performance of said work, the board of supervisors shall allow the necessary and actual expense therefor; *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 up the necessary and proper records of his office. He shall at all times be subject to the orders of the board of supervisors.

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 federal census of nineteen hundred: Townships having a population of two thousand eight hundred and more shall belong to and be known as townships of the first class; townships having a population of two thousand four hundred and less than two thousand eight hundred shall belong to and be known as townships of the second class; town-

Classification of townships.

ships having a population of one thousand six hundred and less than two thousand four hundred shall belong to and be known as townships of the third class; townships having a population of eight hundred and less than one thousand six hundred shall belong to and be known as townships of the fourth class; townships having a population of six hundred and fifty and less than eight hundred shall belong to and be known as townships of the fifth class; townships having a population of less than six hundred and fifty shall belong to and be known as townships of the sixth class; *providing*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

Salaries
and fees of
justices of
the peace.

13a. Justices of the peace 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, ninety dollars; in townships of the second class, fifty dollars; in townships of the third class, fifty dollars; in townships of the fourth class, forty dollars; in townships of the fifth and sixth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and justices of the first, second and third class shall be allowed their office rent, not to exceed the sum of five dollars each, for any one month. Each justice must pay into the county treasury, once a month, all fines collected by him.

Salaries
and fees of
constables.

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, ninety dollars; in townships of the second class, eighty dollars; in townships of the third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth and sixth class, thirty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now 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 expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; *provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage, both going and returning, outside of his own county, at the rate of ten cents per mile.

Salaries
of super-
visors.

15. Supervisors, each, the sum of six hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in going to and from the meeting of the board; *provided*, that only one mileage at any one session of the

board shall be allowed. They shall act as road commissioners in their respective districts, and shall thereafter receive for their services as such road commissioners mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled by them in the discharge of their duties as such road commissioners; *provided*, that such mileage as road commissioner shall not, in any one year, exceed the sum of three hundred dollars for any one of the commissioners.

16. Witnesses in criminal cases shall receive one dollar and fifty cents 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 treasurer for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Witness
fees.

ARTICLE XXXIX.

COUNTIES OF THE THIRTY-NINTH CLASS.

Section 4268. Salaries and fees of officers of.

4268. In counties of the thirty-ninth class the county officers shall receive as compensation for services required of them by law, by virtue of their offices, the following salaries, to wit:

Salaries in
counties of
thirty-
ninth class
(Merced)

1. The county clerk, two thousand dollars per annum.
2. The sheriff, five thousand dollars per annum and fees, commissions and mileage for the service of papers or process served from any courts, also his necessary expenses for pursuing criminals, or transacting any criminal business.
3. The recorder, one thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the same manner and out of the same fund as the salary of the recorder is paid; *and provided* that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required to be paid by law so collected; *and provided* that when the amount of said fees collected shall exceed two hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his own salary, one half of all fees in excess of two hundred dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary shall not exceed the sum of two thousand dollars in one year.
4. The auditor, one thousand six hundred dollars per annum.
5. The treasurer, one thousand eight hundred dollars per annum.
6. The tax collector, one thousand five hundred dollars per annum.

Salaries in
counties of
thirty-
ninth class
(Merced).

7. The assessor, three thousand dollars per annum, and such fees as now or may hereafter be allowed by law. The assessor shall also be allowed the following deputies, viz: One deputy for each bona fide increase of one hundred real estate statements made for assessment purposes over and above twenty-four hundred of such statements and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars for a period not to exceed two months in any one year, said compensation to be paid monthly in the same manner as county officers are paid. He shall prepare the military roll for which he shall receive five cents for each name thereon.

8. The district attorney, one thousand eight hundred dollars per annum.

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

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

11. The superintendent of schools, one thousand four hundred dollars per annum, and shall also be allowed the compensation provided by law for services upon the board of education. He shall be allowed his actual traveling expenses when visiting schools of his county, which expense shall not exceed the sum of three hundred dollars in one year. *Provided*, in counties of this class there shall be and is hereby allowed to the superintendent of schools an assistant who shall be appointed by the superintendent of schools and paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor, such fees as are now or may be hereafter allowed by law. *Provided* the surveyor shall annually revise the plats in the office of the assessor for which he shall receive a sum not to exceed two hundred dollars in any one year.

Classifica-
tion 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 population, said population to be determined by the board of supervisors upon the enactment of this section and at the time of the formation of any new judicial township or townships in the following manner: by appointing a suitable person in each township to take said census and said census shall be taken by said person so appointed of all the inhabitants of his township; 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 before any officer authorized to administer oaths and be filed with the county clerk and thereupon the same shall be the official census of said township. The expenses of taking such census shall be a county charge. Townships having a population of three thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than

three thousand five hundred and more than two thousand shall belong to and be known as townships of the second class. Townships having a population of less than two thousand shall belong to and be known as townships of the third class.

Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases payable monthly in the same manner as county officers are paid: In townships of the first class one hundred and fifty dollars per month. In townships of the second class seventy-five dollars per month. In townships of the third class forty dollars per month. *Provided*, that in townships of the first class no person shall be eligible to the office of justice of the peace unless he has been admitted to practice law in a court of record.

Salaries of 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 payable monthly and in the same manner as county officers are paid: In townships of the first class one hundred dollars per month. In townships of the second class seventy-five dollars per month. In townships of the third class forty dollars per month. Constables shall also receive for their own use and benefit such fees as are now or hereafter may be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from the place of arrest to the court, and in case of conviction, from court to the county jail.

Salaries and fees of constables.

15. Supervisors, each six hundred dollars per annum for all services performed by them as supervisors and members of the board of equalization and road commissioners, including mileage; *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route in going from his residence to the county seat and returning once during each meeting. Each supervisor shall be allowed his actual traveling expenses while supervising the roads of his district, not exceeding twenty dollars in any one month.

Salaries of supervisors.

ARTICLE XL.

COUNTIES OF THE FORTIETH CLASS.

Section 4269. Salaries and fees of officers of.

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 and fees, to wit:

Salaries in counties of fortieth class (El Dorado).

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, three thousand dollars per annum, and all mileage for the service of papers issued out of any court outside of his county.
3. The recorder, twenty-one hundred dollars per annum.
4. The auditor, nine hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.

7. The assessor, three thousand five hundred dollars per annum.

8. The district attorney, fifteen hundred dollars per annum.

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

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

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

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

Fees of
justices of
the peace.

13. Each justice of the peace, the following fees: In civil actions before him, for all services required to be performed by him before trial, two dollars.

For a trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.

In all cases where judgment is rendered by default or confession, for all services from the filing of the complaint to and including the entry of judgment, three dollars.

For issuing a writ of attachment, to include all affidavits, taking and approving bond, and all oaths and certificates necessary thereto, three dollars.

For all services and proceedings in a criminal action or proceeding whether on examination or trial, three dollars; *provided*, that if the defendant plead guilty, only two dollars shall be allowed.

For taking bail, after commitment by another magistrate, fifty cents.

For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars.

For copies of docket or papers in his office, per folio, twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage, and returning the certificate to the recorder, three dollars.

For docketing a judgment or any instrument, for the first name fifty cents; for each additional name twenty-five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents, and certificate to same, twenty-five cents; for each certificate, twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

For issuing an execution and entering satisfaction of the judgment, fifty cents.

In all cases before justices of the peace where the venue shall be changed, the justice before whom the action shall be brought,

for all services rendered, including the making up and transmission of the manuscript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fees as if the action had been commenced before him.

14. Each constable shall receive the following fees: For serving all summons in civil cases, for each defendant, including the copy required by law, one dollar. Fees of constables.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For subpoenaing each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent, to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like services.

15. Each member of the board of supervisors four hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex-officio road overseer or commissioner not to exceed three hundred dollars in any one year. Salaries of supervisors.

ARTICLE XLI.

COUNTIES OF THE FORTY-FIRST CLASS.

Section 4270. Salaries and fees of officers of.

Salaries in
counties of
forty-first
class
(Yuba).

4270. In counties of the forty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, four thousand dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. 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 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.
4. The auditor, one thousand dollars per annum.
5. The treasurer, one thousand five hundred dollars per annum.
6. The tax collector, one thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.
7. The assessor, two thousand five hundred dollars per annum.
8. The district attorney, two thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one thousand two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.

Salaries
and fees of
township
officers.

13. 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 and constables shall each receive a monthly salary of sixty dollars per month.

In townships having a population of fifteen hundred and less than three thousand, the justices of the peace and constables shall each receive a monthly salary of forty-five dollars per month.

In townships having a population of eight hundred and less than fifteen hundred, the justices of the peace and constables shall each receive a monthly salary of thirty-five dollars per month.

In townships having a population of five hundred and less than eight hundred, the justices of the peace and constables shall each receive a monthly salary of fifteen dollars per month.

In townships having a population of less than five hundred, the justices of the peace and constables shall each receive a monthly salary of five dollars per month.

The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that, 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 subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

Deter-
mination
of popu-
lation.

14. Each member of the board of supervisors, five hundred dollars per annum, and his necessary expenses when attending to the business of the county other than the meetings of the board, and twenty cents per mile in going from his residence to the county seat at each meeting of the board; and when serving as road commissioner, three dollars per day, and twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as such commissioner.

Salaries
of super-
visors.

ARTICLE XLII.

COUNTIES OF THE FORTY-SECOND CLASS.

Section 4271. Salaries and fees of officers of.

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

Salaries in
counties of
forty-
second
class
(Colusa).

1. The county clerk, two thousand four hundred dollars per annum.

2. The sheriff, four thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

3. The recorder, eighteen hundred dollars per annum.

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

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

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

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

11. The superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

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

Salaries
and fees of
justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Salaries
and fees of
constables.

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

Salaries
of super-
visors.

15. Each supervisor, one hundred dollars per month, and mileage at the rate of twenty cents per mile for traveling from residence to county seat to attend upon a session of the board. The salary herein allowed shall be in full for all services, including duties as road commissioner.

Fees
of official
reporter.

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

ARTICLE XLIII.

COUNTIES OF THE FORTY-THIRD CLASS.

Section 4272. Salaries and fees of officers of.

Salaries in
counties of
forty-third
class (San
Benito).

4272. In counties of the forty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

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

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county.

3. The recorder, twelve hundred dollars per annum.

4. The auditor, six hundred dollars per annum.

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

6. The tax collector, seven hundred dollars per annum.

7. The assessor, twenty-four hundred dollars per annum.

8. The district attorney, one thousand five hundred dollars per annum.

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

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

11. The superintendent of schools, one thousand six hundred dollars per annum.

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

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, seventy dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, twenty dollars per month; in townships having a population of less than one thousand and more than six hundred, fifteen dollars per month; in townships having a population of less than six hundred, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Salaries
and fees of
justices of
the peace.

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

Salaries
and fees of
constables.

Salaries
of super-
visors.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

Salaries
of board of
education.

16. Each member of the county board of education, including the secretary, shall receive one hundred and fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile, one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy.

Deter-
mination
of popu-
lation.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election.

ARTICLE XLIV.

COUNTIES OF THE FORTY-FOURTH CLASS.

Section 4273. Salaries and fees of officers of.

Salaries in
counties of
forty-
fourth
class
(Madera).

4273. In counties of the forty-fourth class, the county officers shall receive, as compensation for the services required by them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, eighteen hundred dollars per annum.
2. The sheriff, forty-two hundred dollars per annum, and such mileage as is allowed by law, and the fees, mileage, or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for the service of papers in civil cases in his own county, and the actual expenses incurred in criminal cases, and fifteen cents for each meal for feeding prisoners confined in the county jail.
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 provided by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars, in any month so collected; so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month.
4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, twelve hundred dollars per annum.
7. The assessor, twenty-five hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, ten hundred dollars per annum.
12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law. Fees of township officers.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, six hundred dollars per annum, and twenty-five cents per mile while traveling from their respective residence to the county seat, not more than once each month. Salaries of supervisors.
16. In counties of this class the official reporter of the superior court shall receive such fees as are now and may hereafter be allowed by law. Fees of reporter.
17. In counties of this class the board of supervisors may appoint a horticultural commissioner, who shall have expert knowledge of the duties pertaining to the position, who shall serve at the pleasure of the board, and who shall be paid a salary of not to exceed seventy-five dollars per month. Salary of horticultural commissioner.

ARTICLE XLV.

COUNTIES OF THE FORTY-FIFTH CLASS.

Section 4274. Salaries and fees of officers of.

4274. In counties of the forty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Salaries in counties of forty-fifth class (Lake).

1. The county clerk, eighteen hundred dollars per annum.
2. The sheriff, twenty-four hundred dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county.
3. The recorder, thirteen hundred dollars per annum.
4. The auditor, seven hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred per annum.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.

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

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

11. The superintendent of schools, eight hundred dollars per annum, and actual and necessary traveling expenses when visiting schools of his county.

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

Fees of township officers.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

Per diem of supervisors.

15. Each member of the board of supervisors, four 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 dollars as supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses.

Per diem of board of education.

16. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of ten 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. 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 the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of this code.

ARTICLE XLVI.

COUNTIES OF THE FORTY-SIXTH CLASS.

Section 4275. Salaries and fees of officers of.

Salaries in counties of forty-sixth class (Sutter).

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 compensation and salaries, to wit:

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. The recorder, fifteen hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as tax collector and license collector.

7. The assessor, eighteen hundred dollars per annum.

8. The district attorney, fifteen hundred dollars per annum.

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

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

11. The superintendent of schools, twelve hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

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

13. Each supervisor, fifty dollars per month, payable at the same time and in the same manner as other county officers are paid, and his necessary and actual expenses when attending to the business of the county by order of the board, and mileage at the rate of twenty cents per mile for traveling from his residence to the county seat to attend the sessions of the board, and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as road commissioner.

Salaries of supervisors.

14. In counties of this class the township officers shall receive the following compensation:

Salaries of township officers.

In townships having a population of twenty-five hundred or more, justices of the peace and constables shall each receive a salary of thirty dollars per month.

In townships having a population of fifteen hundred and less than twenty-five hundred, the justices of the peace and constables shall each receive a salary of fifteen dollars per month.

In townships having a population of less than fifteen hundred the justices of the peace and constables shall each receive a salary of ten dollars per month.

The above named salaries shall be in full compensation for all services of the said justices of the peace and constables in criminal 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 are now or may be hereafter allowed by law; for transporting prisoners to the county jail the actual expenses for such transportation, and his actual and necessary expenses in the keeping and caring for property seized by him under a writ of attachment or execution; *and provided further*, that justices of the peace and constables may retain for their own use, the fees which are now or may be hereafter allowed to them respectively in civil cases.

And provided further, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters in each township at the last general election by five.

Determination of population.

ARTICLE XLVII.

COUNTIES OF THE FORTY-SEVENTH CLASS.

Section 4276. Salaries and fees of officers of.

Salaries in
counties of
forty-
seventh
class
(Glenn).

4276. In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twenty-seven hundred dollars per annum.
2. The sheriff, three thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county; also, his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court or magistrate of his county.

3. The recorder, fifteen hundred dollars per annum.

4. The auditor, twelve hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twenty-five hundred dollars per annum.

8. The district attorney, sixteen hundred dollars per annum.

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

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

11. The superintendent of schools, sixteen hundred dollars per annum, and traveling expenses while visiting schools of his county.

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

Salaries
and fees of
justices of
the peace.

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

Salaries
and fees of
constables.

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

that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, five dollars per day while attending sessions of the board and while engaged in the performance of the duties of the road commissioner, and mileage at the rate of twenty cents per mile for traveling from residence to county seat in attendance upon a regular session of the board.

Per diem
of super-
visors.

16. Official reporters, same as now provided by law.

Reporters.

ARTICLE XLVIII.

COUNTIES OF THE FORTY-EIGHTH CLASS.

Section 4277. Salaries and fees of officers of.

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 office, the following salaries, to wit:

Salaries in
counties of
forty-
eighth
class
(Modoc).

1. The county clerk, one thousand five hundred dollars per annum; *provided*, that in counties of this class the board of supervisors may when in their opinion deemed necessary, authorize the county clerk to employ an assistant at a salary not to exceed seventy-five dollars per month, to be paid by such county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, twenty-five hundred dollars per annum.

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the recorder is paid.

4. The auditor, six hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum, and ten per cent on all licenses collected by him as license collector.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

8. The district attorney, one thousand two hundred dollars per annum.

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

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

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

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

Salaries of township officers.

13. Justice of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

Per diem of supervisors.

15. Each supervisor, six dollars per day when the board is in session, not to exceed three hundred dollars per year, exclusive of mileage, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board; and his necessary expenses while supervising the roads of his district, or attending to the business of the county, other than the meetings of the board, not to exceed the sum of four hundred and sixty dollars per annum.

Per diem and fees of official 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 at coroner's inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

ARTICLE XLIX.

COUNTIES OF THE FORTY-NINTH CLASS.

Section 4278. Salaries and fees of officers of.

Salaries in counties of forty-ninth class (Mariposa).

4278. In counties of the forty-ninth class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, fifteen hundred dollars per annum, except in the years when a general election is held, and in such years he shall receive eighteen hundred dollars per annum.

2. The sheriff, thirty-eight hundred dollars per annum.

3. The recorder, twelve hundred dollars per annum, *provided* that such recorder shall collect and pay into the county

treasury for the use and benefit of the county, the fees required by law to be so collected; *and, provided*, that when the amount of said fees collected shall exceed one hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of one hundred dollars in any month, so collected; *and, provided*, that the recorder may retain for his own use, all fees collected for filing or recording proofs of labor or notices of location of mining claims.

4. The auditor six hundred dollars per annum.

5. The treasurer twelve hundred dollars per annum.

6. The tax collector one thousand dollars per annum and ten per cent on all licenses collected by him.

7. The assessor one thousand six hundred and fifty dollars per annum.

8. The district attorney one thousand four hundred dollars per annum.

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

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

11. The superintendent of schools, six hundred dollars per annum and actual traveling expenses while visiting the schools of the county.

12. The surveyor such fees as are now or may be hereafter provided by law.

13. Justices of the peace such fees as are now or may be hereafter allowed by law. Fees of township officers.

14. Constables such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors five dollars per day for each day's actual service while the board is in session and ten cents per mile for each mile necessarily traveled to and from the place of meeting; also three dollars per day for each day's service while serving as road commissioner. Such compensation, as road commissioner, not to exceed three hundred dollars per annum. Per diem of supervisors.

16. Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage, and the treasurer shall pay the same. Fees of jurors.

ARTICLE L.

COUNTIES OF THE FIFTIETH CLASS.

Section 4279. Salaries and fees of officers of.

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: Salaries in counties of fiftieth class (Plumas).

Salaries in
counties of
fiftieth
class
(Plumas).

1. 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.

2. The sheriff four thousand dollars per annum.

3. The recorder one thousand eight hundred dollars per annum.

4. The auditor four hundred dollars per annum.

5. The treasurer one thousand six hundred dollars per annum.

6. The tax collector seven hundred fifty dollars per annum.

7. The assessor one thousand eight hundred dollars per annum.

8. The district attorney one thousand five hundred dollars per annum.

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

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

11. The superintendent of schools eight hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

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

Fees of
township
officers.

13. Justices of the peace such fees as are now or may hereafter be allowed by law.

14. Constables such fees as are now or may hereafter be allowed by law.

Per diem
of super-
visors.

15. Each supervisor eight dollars per day while the board is in session, and mileage from residence to the county seat at each sitting of the board of twenty cents per mile; also twenty cents per mile for each mile actually and necessarily traveled in discharging the duties of road commissioner, but he shall not in any one year receive more than three hundred dollars for per diem as supervisor, and he shall not in any one year receive more than three hundred dollars as road commissioner.

Fees
of license
collector.

16. The license collector ten per cent of all licenses collected by him.

ARTICLE LI.

COUNTIES OF THE FIFTY-FIRST CLASS.

Section 4280. Salaries and fees of officers of.

Salaries in
counties of
fifty-first
class
(Lassen).

4280. 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:

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

2. The sheriff, three thousand dollars per annum.

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by

the recorder, and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the same manner, and out of the same fund as the salary of the recorder is paid.

Salaries in counties of fifty-first class (Lassen).

4. The auditor, five hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector; *provided*, that in counties of this class there is hereby allowed to the tax collector one deputy to be appointed by him, who shall receive the salary of fifty dollars per month, said salary to be paid by said county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the tax collector is paid.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

8. The district attorney, one thousand two hundred dollars per annum.

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

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

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

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

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

Fees of township officers.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile, also three dollars per day, and actual traveling expenses in discharging the duties of road commissioner, but he shall not in any one year receive more than three hundred dollars as road commissioner.

Salaries of supervisors.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and at coroner's inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such

Per diem and fees of official reporter.

transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

ARTICLE LII.

COUNTIES OF THE FIFTY-SECOND CLASS.

Section 4281. Salaries and fees of officers of.

Salaries in
counties of
fifty-
second
class
(Trinity).

4281. In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, six hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, seven hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.

Fees of
township
officers.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

Salaries
of super-
visors.

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

ARTICLE LIII.

COUNTIES OF THE FIFTY-THIRD CLASS.

Section 4282. Salaries and fees of officers of.

Salaries in
counties of
fifty-third
class
(Inyo)

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, to wit:

1. The county clerk, sixteen hundred dollars per annum.

2. The sheriff, five thousand dollars per annum and mileage for service of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for service of all processes issued from all courts outside of his county.

Salaries in counties of fifty-third class (Inyo).

3. The recorder, eight hundred dollars per annum. From and after the enactment of this title he may appoint such copyists as are necessary to properly perform the duties of this office, at a compensation of six cents per folio for all notices of location of mining claims copied, and the auditor shall draw his warrant monthly in favor of such copyists so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the recorder that it is correct; *provided*, that whenever such copyist is appointed that a notice of such appointment must be immediately filed with the auditor before he can draw any warrant in favor of such copyist.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, fifteen hundred dollars per annum.

8. The district attorney, nine hundred dollars per annum.

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

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

11. The superintendent of schools, four hundred dollars per annum.

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

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered, as hereinafter provided: In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in. In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law. In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be here-

Salaries and fees of justices of the peace.

after allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are or may be hereafter allowed by law. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers, aforesaid.

Deter-
mination
of popu-
lation.

Fees of
constables.

Per diem
of super-
visors.

Per diem
and fees of
official
reporter.

14. Constable, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, six dollars per day when board is in session; thirty cents per mile, one way. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars per annum.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and for preliminary examinations in justices' courts, a salary of ten dollars per diem during employment, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a 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.

ARTICLE LIV.

COUNTIES OF THE FIFTY-FOURTH CLASS.

Section 4283. Salaries and fees of officers of.

Salaries in
counties of
fifty-
fourth
class
(Sierra).

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 office, the following salaries, to wit:

1. The county clerk, one thousand three hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid him for recording notices of location of mining claims and affidavits of annual expenditures upon mining claims, made under the laws of congress; and *further provided*, that all acts of the recorder of counties of this class in retaining to his own use any fees for recording notices of location of mining claims and affidavits of annual expenditures upon mining claims,

made under the laws of congress, whether done as mining recorder or as recorder, are hereby validated and declared legal, and that such recorder may continue to retain to his own use such fees.

4. The auditor, three hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, three hundred and fifty dollars per annum.
7. The assessor, one thousand six hundred dollars per annum.
8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, six hundred and twenty-five dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each supervisor, three hundred and fifty dollars per annum, and twenty cents per mile for traveling to and from his residence to the county seat at each session.

Fees of township officers.

Salaries of supervisors.

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each supervisor shall receive three dollars per day, but he shall not in any one year receive more than five hundred dollars as supervisor.

Fees of license collector.

16. The license collector, such compensation as the board of supervisors shall fix.

ARTICLE LV.

COUNTIES OF THE FIFTY-FIFTH CLASS.

Section 4284. Salaries and fees of officers of.

4284. In counties of the fifty-fifth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the clerk a deputy, to act as clerk of the board of supervisors, who shall be appointed by the county clerk, and be paid a salary of twenty-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 county clerk is paid.

2. The sheriff, twelve hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby

Salaries in counties of fifty-fifth class (Del Norte).

allowed a jailer, who shall be appointed by the sheriff, and be paid a salary of twenty-five dollars per month; 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.

3. The recorder, six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, which office of copyist to the recorder is hereby created, and which copyist shall be appointed by the recorder, and be paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments, at the time and in the manner, and out of the same fund as the salary of the recorder is paid.

4. The auditor, three hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, nine hundred dollars per annum.

8. The district attorney, twelve hundred dollars per annum and such fees as are now or may hereafter be paid to that officer.

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

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

11. The superintendent of schools, seven hundred and twenty dollars per annum.

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

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, four hundred and twenty dollars per annum and twenty cents per mile in 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.

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 at coroner's inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Fees of
township
officers.

Salaries
of super-
visors.

Salary
and fees of
official
reporter.

ARTICLE LVI.

COUNTIES OF THE FIFTY-SIXTH CLASS.

Section 4285. Salaries and fees of officers of.

4285. In counties of the fifty-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:

Salaries in
counties of
fifty-sixth
class
(Mono).

1. The county clerk, twelve hundred dollars per annum.
2. The sheriff, twenty-six hundred dollars per annum.
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.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, twelve hundred dollars per annum.
8. The district attorney, nine hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, six dollars per day during session, and thirty cents per mile one way to board meeting; three dollars per day (no mileage) as road commissioner when actually engaged in road business.
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, a per diem of eight dollars; and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and three 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,

Salaries of
township
officers.

Per diem
of super-
visors.

Per diem
and fees of
official
reporter.

or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Fees of jurors.

17. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or a 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.

ARTICLE LVII.

COUNTIES OF THE FIFTY-SEVENTH CLASS.

Section 4286. Salaries and fees of officers of.

Salaries in counties of fifty-seventh class (Alpine).

4286. In counties of the fifty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, five hundred dollars per annum.
2. The sheriff, five hundred dollars per annum.
3. The recorder, three hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, three hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The assessor, three hundred dollars per annum.
8. The district attorney, three hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.

Fees of township officers.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

Per diem of supervisors.

15. Each supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat, going only, and only one mileage shall be allowed for any regular session of the board; and, when serving as road commissioner, three dollars per day. Such per diem not to exceed the total sum of fifty dollars per annum.

Fees for collecting licenses.

Provided, however, that five per cent only shall be allowed the sheriff or tax collector as fees for collecting licenses in counties of this class.

ARTICLE LVIII.

GENERAL PROVISIONS RELATING TO SALARIES AND FEES.

- Section 4288. Salaries, how paid.
- 4289. Statement of fees must precede warrants for salary.
- 4290. Additional provisions concerning fees and salaries.
- 4291. Salaries to be paid monthly.

4288. The salaries of such officers named in this title as are entitled to salaries shall be paid monthly out of the county treasury; and it shall be the duty of the auditor, on the first Monday of each and every month, to draw his warrant upon the treasurer in favor of each of said officers for the amount of salary due him under the provisions of this title for the preceding month; except that, unless in this title otherwise provided, one half of the annual salary of the assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and one half in equal monthly installments for the remaining eight months of the year. The treasurer shall pay said warrants, on presentation, out of the salary fund of the county treasury.

Salaries, how paid.

4289. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with the certificate of the treasurer, showing that he has made the statement and settlement for that month required in this title.

Settlement must precede warrant for salary.

4290. The salaries and fees provided in this title shall be in full compensation for all services of every kind and description rendered by the officers named in this title either as officers or ex-officio officers, their deputies and assistants, unless in this title otherwise provided, and all deputies employed shall be paid by their principals out of the salaries provided in this title, unless in this title otherwise provided; *provided*, and except that the assessor shall be entitled to receive and retain for his own use, unless in this title otherwise provided, six per cent on personal property tax collected by him, as authorized by section thirty-eight hundred and twenty, and fifteen per cent of all amounts collected by him for poll taxes, and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one, and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this title; *provided, however*, that in counties and cities and counties of the first and second class, the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one; nor shall the license collector in cities and counties of the first and counties of the second class receive any commission on licenses collected by him; *provided further*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and

Salaries to be in full compensation.

Assessor entitled to certain fees.

Exceptions as to counties of first and second class.

License collector.

Treasurer.

transfer taxes collected by him, *and provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided* that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as court-room clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner county officers are paid. 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, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and 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 executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the state; *provided further* that the county treasurers of the several counties of this state, where their necessary expense incurred in the making of the state settlements provided for by section thirty-eight hundred and sixty-six shall exceed the maximum amount of mileage allowed them by section thirty-eight hundred and seventy-six shall be allowed out of the county treasury of their respective counties, the amount of such excess, which shall be paid as other demands against the county are paid.

4291. The salaries of officers must be paid monthly from the county salary fund of the treasury, on the warrant of the auditor.

Special attorney for treasurer.

Additional deputy sheriffs.

Additional deputy clerks.

Boarding prisoners.

Conveying prisoners to state institutions.

Treasurers, state settlements.

Salaries to be paid monthly.

ARTICLE LIX.

REGULATIONS CONCERNING FEES.

- Section 4292. Fees to be paid into county treasury.
 4293. Fee book.
 4294. Statement of fees.
 4295. Official services and fees.
 4296. Account and receipt for fees.
 4297. No fees on habeas corpus.

4292. All salaried officers of the several counties and townships of this state shall charge and collect for the use of their respective counties, and pay into the county treasury, on the first Monday in each month, the fees now or hereafter allowed by law in all cases, except where such fees, or a percentage thereof, is allowed such officers, and excepting also such fees as are a charge against the county. Fees to be paid into treasury.

4293. Each of the officers authorized to receive fees under the provisions of this title must keep a fee book, open to the public inspection during office hours, in which must be entered, at once and in detail, all fees or compensation, of whatever nature, kind, or description, collected or chargeable. On the first Monday of each and every month, the officer must add up each column in his book to the first day of the month, and set down the totals. On the expiration of the term of such officer, he must deliver all fee books kept by him to the county auditor. Fec book.

4294. The fees and compensation collected and chargeable for the county in each month shall be paid to the treasurer on the first Monday in the following month, and must be accompanied by a statement of the aggregate amount thereof, as shown by the fee book, duly verified by the officer making such payment. The affidavit shall be in the following form: Statement of fees.
 "I, A. B., County Clerk (or other officer, as the case may be), do swear that the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies and assistants, for the month of ———, A. D. ———, and that said fee book shows a full amount received or chargeable in said month, and since my last monthly payment; and neither myself, nor to my knowledge or belief, any of my deputies or assistants have rendered any official service, except for the county, which is not fully set out in said fee book, and that the foregoing statement thereof is true and correct." Affidavit.

The treasurer shall file and preserve in his office said statements and affidavit.

4295. The officers mentioned in this title are not in any case, except for the state or county, or a public board or body acting in behalf of the state, to perform any official services, unless upon the prepayment of fees prescribed for such services, except in proceedings upon habeas corpus, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond. Official services and fees.

Receipt
for fees.

4296. Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out, in writing, and deliver to such person a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same in treble the amount so paid.

No fees
on habeas
corpus,
oath
of office,
pension, or
claim
against
county.

4297. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus, nor for administering or certifying the oath of office, nor fees or other compensation shall be paid for service rendered in an affidavit or application relating to the securing of a pension or the payment of a pension voucher, or any matter relating thereto, nor filing nor swearing to any claim or demand against any county in this state.

ARTICLE LX.

FEEES OF OFFICERS.

Section 4300. Fees of county, township and other officers.

- 4300a. County clerk's fees.
- 4300b. Sheriff's fees.
- 4300c. Recorder's fees.
- 4300d. Constables' and marshals' fees.
- 4300e. Justices' of the peace fees.
- 4300f. Jurors' fees.
- 4300g. Witness' fees.
- 4300h. Coroner's fees.
- 4300i. Public administrator's fees.
- 4300j. Surveyor's fees.
- 4300k. Fees in civil cases, in advance.
- 4301. Fees not to be charged, when.
- 4302. Same.

Schedule
of fees.

County
clerk.

4300. The following county, township, and other officers shall charge and collect the following fees:

4300a. County Clerk.

On the commencement of any action or proceeding in the superior court, except probate proceedings, or on an appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars.

On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner.

On filing the petition to contest any will or codicil, three dollars.

On the appearance of any defendant, or any number of defendants answering jointly, to be paid upon filing the first paper in the action by him or them, two dollars.

On placing any action, excepting a probate proceeding or default case, on the calendar for trial or hearing, to be paid by the party at whose request such action or proceeding is so placed, two dollars.

For every additional defendant appearing separately, one dollar.

The foregoing fees shall be in full for all services rendered

by such clerk in the cause, to and including the making up of the judgment roll. Fees of county clerk.

On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, two dollars.

For issuing an execution or order of sale in any action, one dollar.

In all proceedings begun or acts performed prior to this section becoming a law, such fees and charges as were provided by law at the time such proceedings were begun or acts performed.

The clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the clerk relating to any civil action pending in said court, when such copy is made by him, per folio, ten cents.

For each certificate of the clerk, under the seal of the court, twenty-five cents.

For filing each claim in probate or insolvency proceedings, fifteen cents.

No fees shall be allowed or charged by the clerk for services rendered in any criminal case.

For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees:

For issuing marriage license, one half to be paid to the county recorder, two dollars.

For filing and indexing articles of incorporation, one dollar.

For filing and indexing certificates of co-partnership, one dollar.

For filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in court, and official bonds and certificates of appointment, each, twenty-five cents.

For issuing any license required by law, other than marriage licenses, one dollar.

For examining and certifying to a copy of any paper, record or proceedings prepared by another, and presented for his certificate, fifty cents, and one cent per folio for comparing the said copy with the original.

For making satisfaction of or credit on judgment, twenty-five cents.

For receiving and filing remittitur from supreme court, fifty cents.

For administering each oath, without certificate, except in a pending action or proceeding, ten cents.

For taking any affidavit, except in criminal cases, twenty-five cents.

For taking and approving each undertaking, and the justification thereof, except in criminal cases, fifty cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents.

For filing notices of appeal and appeal bonds, each, twenty-five cents.

Fees of
sheriff.

4300b. Sheriff.

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

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

For taking any bond or undertaking, fifty cents.

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

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

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

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

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

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

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

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

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

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

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

For executing and delivering certificate of sale, fifty cents.

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

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

Fees of
recorder.

4300c. Recorder.

For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents.

For indexing every instrument, paper, or notice, for each name, ten cents.

For filing every instrument for record, and making the necessary entries thereon, twenty cents.

For each certificate under seal, twenty-five cents.

For every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents.

Fees of recorder.

For searching the records of his office, for each year, fifty cents.

For abstract of title, for each conveyance or incumbrance, twenty-five cents.

For recording each map or plat where the same is copied in a book of record, for each course, ten cents.

For recording each map or plat where the same is not copied in a book of record, fifty cents.

For figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for recording any map shall not exceed fifty dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license, and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath or affirmation, and certifying the same, twenty-five cents.

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents.

The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in this article fifty-nine of this chapter.

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

Fees of constables and marshals.

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

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

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

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

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

For taking bond or undertaking, fifty cents.

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

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

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

For furnishing notice for publication, twenty-five cents.

Fees of
constables
and
marshals.

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

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

For executing and delivering certificate of sale, fifty cents.

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

For each mile actually traveled within his township in the service of any writ, order or paper, except a warrant of arrest, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in going only, fifteen cents; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage allowed.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, five cents; *provided*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court, or jail, one dollar.

For summoning a jury, two dollars, including mileage.

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

Fees of
justices of
the peace.

4300e. *Justices of the Peace*, except as in this title otherwise provided:

For all services to be performed by him before trial, in a civil action, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment by another magistrate, fifty cents.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage, and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the

first name, fifty cents; for each additional name, twenty-five cents.

Fees of justices of the peace.

For taking depositions, per folio, fifteen cents.

For administering an oath, and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, one dollar.

In cases before a justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in all cases.

For issuing each process, writ, order, or paper required by law to be issued not otherwise in this article provided for, twenty-five cents.

For administering oath or affirmation not otherwise in this article provided for, ten cents.

For each certificate or affidavit not otherwise in this article provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

4300f. *Jurors' fees*, except as in this title otherwise provided: Jurors' fees.

For attending as a grand juror or juror in the superior court, for each day's attendance, per day, two dollars.

For attending justice's court, for each juror sworn to try the cause, per day, in civil cases only, two dollars.

For each mile actually 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.

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

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

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

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

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

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

Fees of coroner.

4300h. Coroner. Coroners may, for their own use, except as in this title otherwise provided, collect the following fees, and no others:

For general services in holding an inquest, ten dollars.

For each witness subpoenaed, twenty-five cents.

For each mile necessarily traveled in going to the place of the inquest, twenty-five cents.

For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge.

When acting as or in the place of the sheriff, the same fees as are allowed the sheriff for like services.

Public administrator.

4300i. Public Administrator. Such fees as are now or may hereafter be allowed by law.

Surveyor.

4300j. Surveyor. Such fees as are now or may hereafter be allowed by law.

Fees payable in advance.

4300k. County officers must, and township officers may, demand the payment of all fees in civil cases, in advance.

Fees not to be charged, when.

4301. No fees or compensation shall be paid for filing the statement and affidavit of a committee or candidate voted for at any public election held within the state; nor for filing, or swearing to any claim or demand against the county.

Same.

4302. No fees or other compensation shall be charged by any county clerk for taking and certifying affidavits for pension claimants, or for the payment of a pension voucher, or any matters relating thereto under the laws of the United States.

ARTICLE LXI.

THE SALARY FUND.

Section 4305. Salary fund.

Salary fund, how provided.

4305. For the purpose of paying the salaries provided for in this title, all fees directed to be paid into the county treasury shall be set apart therein as a separate fund, to be known as the salary fund, to be applied to the payment of said salaries. Should the amount received from such source be insufficient, it shall be the duty of the treasurer from time to time to transfer to said fund from the general fund of the county such sums as may be necessary to pay said salaries as they become due.

CHAPTER XI.

OTHER COUNTY CHARGES.

Section 4307. What constitute.

4308. Cost of criminal action on removal.

4309. Same, how certified and paid.

What are county charges.

4307. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this title.

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.

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.

4308. When a criminal action is removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment or information was found.

Cost of criminal action on removal.

4309. The clerk of the county to which such action is removed shall certify the amount of costs allowed and certified by the court to the auditor of his county, and such auditor shall audit the same and draw his warrant therefor upon the treasury of the county from which such action was removed; and such auditor shall forward to said treasurer and auditor of the county from which said action was transferred, as aforesaid, a certified copy of the total amount of costs allowed by the court, giving each item as certified to him by the county clerk and the court; and the auditor receiving such certified copy of said costs allowed shall enter the same in his book as a charge against the treasury of his county; and the treasurer of the county from which said action was removed must, immediately upon presentation, pay said warrant out of the general fund of said county; or, if at the date of presentation there is not sufficient money in the said general fund to pay the same, he must indorse upon said warrant "Not paid for want of funds," and said warrant must be registered, and shall draw interest at the same rate, and be paid in the same manner, as though it had been drawn by the auditor of the county where the indictment was found.

Same, how certified and paid.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

- Section 4312. Certain officers must have office at county seat.
 4313. Absence of county officers from state.
 4314. Who may administer oaths.
 4315. Principal includes deputy.
 4316. Officers not to practice law.
 4317. Liability of official bond.
 4318. Repayment of costs for publishing notices.
 4319. "Process" and "notice" defined.
 4320. Services performed by successor
 4321. Inventories to be made annually by certain officers.
 4322. Supervisors must not be interested in purchases or contracts.
 4323. When majority of supervisors interested in application, same referred to superior court.
 4324. Posting of notices.
 4325. Official misconduct of supervisors, penalty for.

What officers must have offices at county seat.

4312. Sheriffs, clerks, recorders, treasurers and auditors must have their offices at the county seat, in the court house, hall of records, jail or other buildings, provided by the county through the board of supervisors, and keep them open for the transaction of business continuously from nine o'clock A. M. until five o'clock P. M. every day in the year except Sundays and holidays. And the words "transaction of business" as used herein shall be construed to mean that during the said hours named there shall be present in each of said offices at least one person qualified and prepared to transact the business that may properly come into said office. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with an affidavit setting forth that he has complied with the provisions of this section, and the making of a false affidavit by any of said officers shall subject the party making the same to prosecution for the crime of perjury and to be punished for the same. The affidavit required herein of the auditor shall be filed with the county clerk, and be and remain a record of the office of said clerk; and the affidavits of the other officers required herein, shall be filed with the county auditor and be and remain a record of his office, *provided* that if any of the officers named herein are absent from their office on official business they shall be excused from attendance at their said respective offices during the time they are absent on such business, *and provided further*, that in all cases where any officer named herein has no regularly appointed deputy provided by this title and paid by the county at the same time and in the same manner that his principal is paid, he shall be permitted to close his office during the hour from twelve o'clock noon to and until one o'clock P. M. The judges of the superior court must have chambers at the county seat and must establish such rules and hours for official business as may be necessary for the dispatch thereof.

Affidavit of officers.

Absence from state.

4313. A county or township officer shall in no case absent himself from the state for a period of more than sixty days in any one year, and for no period without the consent of the board of supervisors of the county, except when on business for

the state; *provided*, that in case of illness or urgent necessity, the board of supervisors may, on a proper showing of such illness or urgent necessity, extend the time herein limited, for the absence of any such officer, not to exceed six months.

4314. Every officer mentioned in section four thousand and thirteen, and his deputies, and every justice of the peace, may administer and certify oaths. Who may administer oaths.

4315. Whenever the official name of any principal officer is used in any law conferring power, or imposing duties or liabilities, it includes deputies. Principal includes deputies.

4316. Sheriffs, clerks, and constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such, and no county officer, or his deputy, except district attorneys and treasurers, shall be eligible to the office of notary public, or perform the duties of the same. Officers not to practice law.

4317. Whenever, except in criminal prosecutions, any special penalty, forfeiture, or liability is imposed on any officer for non-performance or mal-performance of official duties, the liability therefor attaches to the official bond of such officer, and to the principal and sureties thereon. Liability of official bond.

4318. Whenever notice is required by law to be published in a newspaper by any county or township officer, the person for whom the notice is to be given shall pay to such officer, if required, the fees for such publication, in advance. And failure to publish any notice required by law, pertaining to the duties of his office, shall be a misdemeanor. Repayment of costs for publishing notices.

4319. "Process," as used in this title, includes all writs, warrants, summons, and orders of courts of justice, or judicial officers. "Notice" includes all papers and orders (except process) required to be served in any proceeding before any court, board, or officer, or when required by law to be served independently of such proceeding. "Process" and "notice" defined.

4320. It shall be the duty of all officers in this title named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, which it was his duty to perform, he shall be liable to pay to his successor the full value for such services. Services performed by successor.

4321. It shall be the duty of all county officers, including the supervisors, road commissioners, superintendents of hospitals, county farms, or almshouses to make, on or before the first day of July in each year, and file with the county clerk an inventory under oath, showing in detail all county property in their possession, or in their charge. Said inventory shall be kept of record by said county clerk. A true copy of said inventory shall be delivered by such officers to their successors in office, who must receipt therefor, which receipt shall be filed with said county clerk. Annual inventories to be made.

4322. No member of the board must be interested, directly or indirectly, in any property purchased for the use of the Supervisors must not be interested in contracts.

county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the board, or other person, on behalf of the county, for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for any purpose or act as a member of a committee or board of reviewers.

When majority of supervisors interested in application, procedure.

4323. Whenever an application is made to the board for an order, franchise, or license relating to any toll road, bridge, ferry, wharf, chute, pier, or other subject over which the board has jurisdiction, in which a majority of the board are interested, the application, by order of the board, must be transferred to the superior court of the county. The clerk of the board must thereupon certify the application, and all orders and papers relating thereto, to said superior court, and thereafter the said superior court shall have full jurisdiction to hear and determine the application.

Posting of notices.

4324. All public notices of proceedings of or to be had before the board, not otherwise specially provided for, must be posted at the court-house door, and two other public places in the county.

Misconduct of supervisors, penalty.

4325. Any supervisor who refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently or corruptly attempts to perform an act, as supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code, forfeits to the county five hundred dollars for every such act, to be recovered on his official bond, and is further liable on his official bond, to any person injured thereby, for all damages sustained.

Construction of this act.

SEC. 2. 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.

SEC. 3. This act shall take effect immediately.

CHAPTER 283.

An act to amend sections 405 and 408 of the Civil Code, relating to foreign corporations.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 405 of the Civil Code is hereby amended to read as follows:

Designation of person on whom process may be served.

405. Every corporation other than those created by or under the laws of this state must, at the time of filing the certified copy of its articles of incorporation, file in the office of

the secretary of state a designation of some person residing within the state upon whom process issued by authority of or under any law of this state may be served. A copy of such designation, duly certified by the secretary of state, is sufficient evidence of such appointment. Such process may be served on the person so designated, or, in the event that no such person is designated, then on the secretary of state, and the service is a valid service on such corporation.

SEC. 2. Section 408 of the Civil Code is hereby amended to read as follows:

408. Every corporation organized under the laws of another state, territory, or of a foreign country, which is now doing business in this state, or is maintaining an office herein, or which shall hereafter do business in this state or maintain an office herein, or which shall enter this state for the purpose of doing business herein, must file in the office of the secretary of state of the State of California a certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, in cases where it has been created by charter, or statute, or legislative, or executive, or governmental act, duly certified by the secretary of state, or other officer authorized by the law of the jurisdiction under which such corporation is formed to certify such copy, and a certified copy thereof, duly certified by the secretary of state of this state, in the office of the county clerk of the county where its principal place of business is located, and also where such corporation owns property.

Must file copy of articles in office of secretary of state.

CHAPTER 284.

An act to amend section 1239 of the Penal Code, relating to the times in which appeals may be taken in criminal cases.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1239 of the Penal Code of California is hereby amended so as to read when amended as follows:

Within what time appeal may be taken.

1239. An appeal from a judgment must be taken within ninety days after its rendition and from an order within sixty days after it is made.

CHAPTER 285.

An act to amend section 1467 of the Penal Code of California relating to the taking, hearing and determination of appeals to the superior court in criminal actions.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1467 of the Penal Code of California is hereby amended so as to read when amended as follows:

Within
what time
appeal
may be
taken.

1467. The appeal may be taken, heard and determined as provided in title 9, part 2 of this code, except that such appeal must be taken within fifteen days after the judgment is rendered or within ten days after the order is made from which the appeal is taken.

CHAPTER 286.

An act to amend section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1475 of the Penal Code of California is hereby amended so as to read when amended as follows:

Writ
of habeas
corpus,
proceed-
ings
thereon.

1475. The writ of habeas corpus may be granted in the manner provided by the constitution. If the writ has been granted by any court or a judge or justice thereof, and after the hearing thereof the prisoner has been remanded, he shall not be discharged from custody by the same or any other court of like general jurisdiction, or by a judge or justice of the same or any other court of like general jurisdiction, unless upon some ground not existing in fact at the issuing of the prior writ. Should the prisoner desire to urge some point of law not raised in the petition for or at the hearing upon the return of the prior writ, then, in case such prior writ had been returned or returnable before a superior court or a judge thereof, no writ can be issued upon a second or other application except by the appropriate district court of appeal or some justice thereof, or by the supreme court or some judge thereof, and in such an event such writ must not be made returnable before

any superior court or any judge thereof. In the event, however, that the prior writ was returned or made returnable before a district court of appeal or any justice thereof, no writ can be issued upon a second or other application except by the supreme court or some judge thereof, and such writ must be made returnable before said supreme court or some judge thereof. Every application for a writ of habeas corpus must be verified, and shall state whether any prior application or applications have been made for a writ in regard to the same detention or restraint complained of in the application, and if any such prior application or applications have been made the later application must contain a brief statement of all proceedings had therein, or in any of them, to and including the final order or orders made therein, or in any of them, on appeal or otherwise. Whenever the person applying for a writ of habeas corpus is held in custody or restraint by any officer of any court of this state or any political subdivision thereof or by any peace officer of this state or any political subdivision thereof, a copy of the application for such writ must in all cases be served upon the district attorney of the county wherein such person is held in custody or restraint at least twenty-four hours before the time at which said writ is made returnable and no application for such writ can be heard without proof of such service in cases where such service is required.

Application for writ must be verified; prior applications.

Proof of service required before hearing.

CHAPTER 287.

An act to amend section ten of the Code of Civil Procedure, relating to holidays.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, 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 Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the state, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public

offices of this state, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument whatever on such Saturday afternoons.

SEC. 2. This act shall take effect immediately.

CHAPTER 288.

An act to repeal sections 288, 289, 290, 291, 292, 293, 294 and 295 of the Political Code, all relating to the contesting of elections.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sections
repealed.

SECTION 1. Sections 288, 289, 290, 291, 292, 293, 294 and 295 of the Political Code are hereby repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 289.

An act to amend an act entitled "An act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," is hereby amended to read as follows:

What cor-
poration
may act as
executor.

Section 1. Any corporation which has or shall be incorporated under the general incorporation laws of this state, authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depositary or trustee, and having a paid-up capital of not less than two hundred and fifty thousand dollars, of which one hundred thousand dollars shall have been actually paid in, in cash, may be appointed to act in such capacity in like manner as individuals. In all cases in which it is required that an executor, administrator, guardian, assignee, receiver, depositary, or trustee, shall qualify by taking and subscribing an

Qualifica-
tion by
corpora-
tion.

oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation if such oath shall be taken and subscribed or such affidavit made by the president or secretary or manager or trust officer thereof, and such officer shall be liable for the failure of such corporation to perform any of the duties required by law to be performed by individuals acting in like capacity and subject to like penalties; and such corporation shall be liable for such failure to the full amount of its capital stock; *provided*, any such appointment as guardian shall apply to the estate only, and not to the person. Such corporation shall be entitled to and shall be allowed proper compensation for all the services performed by them under the foregoing provisions of this act; but such compensation shall not exceed that allowed to natural persons for like services.

Compensation.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 290.

An act to amend section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

4452. Every county and municipal corporation is responsible for injury to real or personal property situate within its corporate limits, done or caused by mobs or riots.

Counties and cities responsible for injuries to property by mobs.

CHAPTER 291.

An act to amend section nineteen hundred and seventy-three of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1973. In the following cases the agreement is invalid, unless the same or some note or memorandum thereof be in writing, and subscribed by the party charged, or by his agent.

Agreements, when must be in writing.

Evidence, therefore, of the agreement, cannot be received without the writing or secondary evidence of its contents:

1. An agreement that by its terms is not to be performed within a year from the making thereof;

2. A special promise to answer for the debt, default, or miscarriage of another, except in the cases provided for in section twenty-seven hundred and ninety-four of the Civil Code;

3. An agreement made upon consideration of marriage other than a mutual promise to marry;

4. An agreement for the sale of goods, chattels, or things in action, at a price not less than two hundred dollars, unless the buyer accepts or receives part of such goods and chattels or the evidences, or some of them, of such things in action, or pays at the time some part of the purchase money; but when a sale is made at auction, an entry by the auctioneer in his sale book, at the time of the sale, of the kind of property sold, the terms of the sale, the price, and the names of the purchaser and person on whose account the sale is made, is a sufficient memorandum;

5. An agreement for the leasing for a longer period than one year, or for the sale of real property, or of an interest therein; and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent is in writing, subscribed by the party sought to be charged;

6. An agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or a commission;

7. An agreement which by its terms is not to be performed during the lifetime of the promisor, or an agreement to devise or bequeath any property, or to make any provision for any person by will.

SEC. 2. This act shall take effect immediately.

CHAPTER 292.

An act to amend section eleven hundred and eighteen of the Code of Civil Procedure, relating to the setting of a day by the superior court for trial of contested election cases.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1118. Upon the statement being filed, the county clerk must inform the superior court of the county thereof, which shall thereupon set some day to be named by it, not less than ten nor more than twenty days from the date of such order, to hear and determine such contested election.

Court
to set day
to hear
contested
election.

CHAPTER 293.

An act to amend section seven of the Civil Code, relating to holidays.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, 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 ^{Holidays.} Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the state, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument whatever on such Saturday afternoons.

SEC. 2. This act shall take effect immediately.

CHAPTER 294.

An act to repeal section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto to be known as section 273f thereof, both relating to the protection of children under eighteen years of age.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two hundred and seventy-three of the ^{Repealed.} Penal Code, as approved March 7th, 1905, is hereby repealed.

SEC. 2. A new section is hereby added to the Penal Code to be known as 273f, and to read as follows:

Sending children to immoral places.

273f. Any person, whether as parent, guardian, employer, or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed to any saloon, gambling house, house of prostitution, or other immoral place, any minor under the age of eighteen, is guilty of a misdemeanor.

CHAPTER 295.

An act to amend section 384c of the Penal Code, relating to the injuring of animals by persons hunting.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Animals injured by persons hunting.

384c. Every person who willfully or negligently, while hunting upon the inclosed lands of another, kills, maims, or wounds an animal, the property of another, is guilty of a misdemeanor.

CHAPTER 296.

An act to amend section thirteen hundred and sixty-five (1365) of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirteen hundred and sixty-five of said Code of Civil Procedure is amended to read as follows:

Order of persons entitled to administer estate.

1365. Administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, the relatives of the deceased being entitled to administer only when they are entitled to succeed to his personal estate or some portion thereof; and they are, respectively, entitled thereto in the following order:

1. The surviving husband or wife, or some competent person whom he or she may request to have appointed.
2. The children.
3. The father and mother.
4. The brothers.
5. The sisters.
6. The grandchildren.

7. The next of kin entitled to share in the distribution of the estate.

8. The public administrator.

9. The creditors.

10. Any person legally competent.

If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate. This section shall apply to the relatives of the previously deceased spouse of decedent when entitled to succeed to some portion of the estate under subdivision 8 of section 1386 of the Civil Code.

CHAPTER 297.

An act to amend section 1386 of the Civil Code, relating to succession to the property of deceased persons.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirteen hundred and eighty-six of the Civil Code is hereby amended to read as follows:

1386. When any person having title to any estate not otherwise limited by marriage contract, dies without disposing thereof by will, it is succeeded to and must be distributed, unless otherwise expressly provided in this code and the Code of Civil Procedure, subject to the payment of his debts, in the following manner:

Succession to and distribution of estate of deceased person.

1. If the decedent leaves a surviving husband or wife, and only one child, or the lawful issue of one child, in equal shares to the surviving husband, or wife and child, or issue of such child. If the decedent leaves a surviving husband or wife, and more than one child living, or one child living and the lawful issue of one or more deceased children, one third to the surviving husband or wife, and the remainder in equal shares to his children and to the lawful issue of any deceased child, by right of representation; but if there is no child of decedent living at his death, the remainder goes to all of his lineal descendants; and if all of the descendants are in the same degree of kindred to the decedent, they share equally, otherwise they take according to the right of representation. If the decedent leaves no surviving husband or wife, but leaves issue, the whole estate goes to such issue; and if such issue consists of more than one child living, or one child living and the lawful issue of one or more deceased children, then the estate goes in equal shares to the children living, or to the child living and the issue of the deceased child or children by right of representation;

Succession
to and dis-
tribution
of estate of
deceased
person.

2. If the decedent leaves no issue, the estate goes one half to the surviving husband or wife, and the other half to the decedent's father and mother in equal shares, and if either is dead the whole of said half goes to the other. If there is no father or mother, then one half goes in equal shares to the brothers and sisters of decedent and to the children or grandchildren of any deceased brother or sister by right of representation. If the decedent leaves no issue, nor husband nor wife, the estate must go to his father and mother in equal shares, or if either is dead then to the other;

3. If there is neither issue, husband, wife, father, nor mother then in equal shares to the brothers and sisters of decedent and to the children or grandchildren of any deceased brother or sister, by right of representation;

4. If the decedent leaves a surviving husband or wife, and neither issue, father, mother, brother, sister, nor the children or grandchildren of a deceased brother or sister, the whole estate goes to the surviving husband or wife;

5. If the decedent leaves neither issue, husband, wife, father, mother, brother, nor sister, the estate must go to the next of kin, in equal degree, excepting that, when there are two or more collateral kindred, in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor must be preferred to those claiming through an ancestor more remote;

6. If the decedent leaves several children, or one child and the issue of one or more children, and any such surviving child dies under age and not having been married, all the estate that came to the deceased child by inheritance from such decedent descends in equal shares to the other children of the same parent and to the issue of any such other children who are dead, by right of representation;

7. If, at the death of such child, who dies under age, not having been married, all the other children of his parents are also dead, and any of them has left issue, the estate that came to such child by inheritance from his parent descends to the issue of all other children of the same parent; and if all the issue are in the same degree of kindred to the child, they share the estate equally, otherwise they take according to the right of representation;

8. If the deceased is a widow, or widower, and leaves no issue, and the estate, or any portion thereof, was common property of such decedent and his or her deceased spouse, while such spouse was living, such property goes in equal shares to the children of such deceased spouse and to the descendants of such children by right of representation, and if none, then one-half of such common property goes to the father and mother of such decedent in equal shares, or to the survivor of them if either be dead, or if both be dead, then in equal shares to the brothers and sisters of such decedent and to the descendants of any deceased brother or sister by right of representation, and the other half goes to the father and mother of such deceased

spouse in equal shares, or to the survivor of them if either be dead, or if both be dead, then in equal shares to the brothers and sisters of such deceased spouse and to the descendants of any deceased brother or sister by right of representation.

If the estate, or any portion thereof, was separate property of such deceased spouse, while living, and came to such decedent from such spouse by descent, devise, or bequest, such property goes in equal shares to the children of such spouse and to the descendants of any deceased child by right of representation, and if none, then to the father and mother of such spouse, in equal shares, or to the survivor of them if either be dead, or if both be dead, then in equal shares to the brothers and sisters of such spouse and to the descendants of any deceased brother or sister by right of representation.

9. If the decedent leaves no husband, wife, or kindred, and there are no heirs to take his estate or any portion thereof, under subdivision eight of this section, the same escheats to the state for the support of the common schools.

CHAPTER 298.

An act to provide for drainage by irrigation districts.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any irrigation district heretofore organized or hereafter to be organized under the laws relating to such districts may provide for any and all drainage made necessary by the irrigation provided for by such laws; and the officers, agents and employes of such districts shall have the same powers, duties and liabilities respecting such drainage, and the construction, repair, maintenance, management and control thereof as they now have or may hereafter have respecting such irrigation, and all laws respecting such irrigation or such irrigation districts shall be so construed, applied and enforced as to apply to such drainage as well as such irrigation.

Irrigation district may provide for drainage.

SEC. 2. Whenever it appears necessary, or proper, or beneficial to the lands affected thereby, to drain such lands or any portion thereof on account of the irrigation which has been done, or which is intended to be done under such laws, whether for the purpose of more beneficially carrying on such irrigation, or to protect such districts from liability by reason of such irrigation, whether the irrigation works have already been constructed or not, it shall be the duty of the board of directors to provide for such drainage, and said board and its officers, agents and employes shall do all necessary and proper acts for the construction, repair, maintenance and management of drainage work for such purpose.

Duty of board of directors.

SEC. 3. This act shall take effect immediately.

CHAPTER 299.

An act to add a new section to an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations, for municipal improvements, and regulating the acquisition, construction or completion thereof" which became a law February 25, 1901, relating to the incurring of indebtedness by cities, towns and municipal corporations, for municipal improvements, to be known as section 12½ and providing for the validation of proceedings taken by cities, towns and municipal corporations, for the incurring of indebtedness for the purpose of acquiring, constructing, completing or repairing any wharf or wharves, and making valid any such indebtedness incurred or any bond which has been or may be issued in pursuance of any such proceedings.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Incurring indebtedness by municipal corporations.

SECTION 1. A new section is hereby added to the act referred to in the title hereof entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," and which became a law February 25, 1901, to be known as and numbered section 12½, and to read as follows:

Proceedings prior to this act declared valid.

Section 12½. All proceedings which may have been prior to the passage of this act, taken by any city, town or municipal corporation, incorporated under the laws of this state, in the manner prescribed by the said act of which this act is amendatory, for the incurring of indebtedness for the purpose of acquiring, constructing, completing or repairing any wharf or wharves, shall be and the same are hereby declared to be valid as fully as though the incurring of indebtedness for such purpose had been expressly authorized by said act, and any and all indebtedness incurred, or which may hereafter be incurred, by any such city, town or municipal corporation, or any bonds which may have been or may hereafter be issued pursuant to any such proceedings so taken or had shall be and the same are hereby declared to be valid, as fully as though the creation of said indebtedness or the issuance of said bonds had been expressly authorized by said act.

SEC. 2. This act shall take effect immediately.

CHAPTER 300.

An act to amend section 3415 of the Political Code, relating to actions to determine the right to purchase state lands.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

3415. After such order is made, either party may bring an action in the superior court of the county in which the land in question is situated, to determine the conflict, and the production of a certified copy of the entry, made by either the surveyor-general or register, gives the court full and complete jurisdiction to hear and determine the action. Any person, legally qualified to purchase from the state public lands of the same character as the land involved in said action, may, after such order of reference has been made, present to the surveyor-general his application, in due form as required by law, to purchase said land, or any part thereof not less than the smallest legal subdivision, and upon presenting to the court in which such action is pending, a certificate of the surveyor-general, showing that such application has been so presented and a certified copy of such application, the court may, at any time before the trial, upon such terms as may be just, allow such party to intervene in the action and contest the right of any other party thereto to purchase the land applied for by the intervenor, and to have his own right determined. *Provided* that when any contest arises as provided for in this section, and section 3414 of this code, there must be filed with the surveyor-general a statement by the contestant of the grounds of contest, and such statement, other than as to matters of record or law, must be corroborated by the affidavit of some competent person having personal knowledge of the facts set forth therein.

Contest of right to purchase state lands, how disposed of.

SEC. 2. This act shall take effect immediately.

CHAPTER 301.

An act authorizing the superintendent of state printing to have prepared and printed an index of all the laws of California, 1850-1907 inclusive.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Printing
index
of all the
laws.

SECTION 1. The superintendent of state printing is hereby authorized and directed to have printed a complete index of all the laws of California, eighteen hundred and fifty to nineteen hundred and seven, both dates inclusive, as the same shall be prepared by the commissioner for the revision and reform of the laws.

Number of
copies to
be printed.

SEC. 2. There shall be printed the same number of copies of the index as is printed of the Statutes of California, and the distribution and sale of the same shall be made under the laws governing the distribution and sale of the Statutes of California.

Cost of
printing.

SEC. 3. The cost of compilation and printing of the index shall be paid out of the appropriation made for the support of the state printing office; *provided, however*, that the state board of examiners shall have the authority to invite bids of outside printing houses for the publication of said index, and in case any bid so obtained is less than the cost of said printing as estimated by the office of the state superintendent of printing, said printing may be awarded to said outside printing house making a lower bid than said cost as so estimated; *and provided, further*, that said board of examiners shall have authority to reject all bids of said outside printing houses.

Bids.

SEC. 4. This act shall take effect from and after its passage.

CHAPTER 302.

An act to amend an act entitled "An act creating a board of bank commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing section 580 of the Civil Code.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Board of
bank
commis-
sioners.

SECTION 1. Section eight of an act entitled "An act creating a board of bank commissioners, and prescribing their duties and powers," approved March 24, 1903, and amended March 20, 1905, is hereby amended so as to read as follows:

Section 8. Any corporation mentioned in section three of this act, including banks in liquidation or insolvency, shall, whenever required by the board of bank commissioners, make a report in writing to the commissioners, verified by the oath of its president and its secretary, or cashier, or its two principal officers. Said report shall show the actual financial condition of the corporation making the report at the close of any past day by the commission specified, by stating:

Banks to make verified report whenever required.

First—The amount of its capital stock, and the number of shares into which it is divided; or, if not incorporated, the amount of capital actually paid in and by whom.

What report shall show.

Second—The names of the directors, and the number of shares of stock held by each; or, if not incorporated, the names of each member of the firm and the amount of capital stock paid in by each.

Third—The total amount actually paid in, in money, by stockholders for capital stock, and the total amount of contingent and other reserve funds, if any.

Fourth—The total amount due to depositors.

Fifth—The total amount and character of any other liabilities it may have.

Sixth—The amount at which the lot and building, occupied by the bank for the transaction of its regular business, stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books; in what county situated, and in what name the title is vested, if not in the name of the corporation itself.

Seventh—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 of itself disclose the name of the bank.

Eighth—The amount invested in bonds, designating each particular class, and the amount thereof.

Ninth—The amount loaned on stocks and bonds, designating each particular class, and the amount thereof.

Tenth—The amount of money loaned on other securities, with a particular designation of each class, and the amount loaned on each.

Eleventh—The actual amount 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.

Twelfth—Any other property held or any amount of money loaned, deposited, invested, or placed, not otherwise herein enumerated, with the place where situate, and the value of such property, and the amount so loaned, deposited, or placed.

The oaths of the officers to 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; and any willfully false statement in the premises

False statements, perjury.

shall be perjury, and shall be punished as such. The reports as provided for by this section shall by the commissioner be required from each and every corporation herein mentioned at least three times in each year, and shall be transmitted to the commissioners within five days after the receipt from them of a request or requisition therefor.

SEC. 2. A new section is hereby added to said act and is hereby numbered section ten and one half so as to read as follows:

Commis-
sioners
have
powers of
trustees.

Section 10 $\frac{1}{2}$. When the bank commissioners shall have taken control of a bank, banking company or banking corporation, with possession of its property and assets, pursuant to the provisions of the preceding section, they shall have full power to sell any portions which they deem perishable, to realize on securities where they deem depreciation of value to be imminent, to preserve liens of any and every kind, protect the property from waste, dissipation, and tax liens and in this behalf they shall have all the powers of trustees of an implied trust, otherwise, they shall preserve all the property intact, so near as may be, until the final determination of the action in the preceding section provided.

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

Salaries
of commis-
sioners.

Section 11. The bank commissioners shall each receive a salary of three thousand six hundred dollars per annum, and necessary traveling expenses, not to exceed, for the four commissioners, the sum of five thousand dollars per annum, to be audited by the state controller and paid by the state treasurer, in the same manner as the salaries and expenses of other state officers. No person while holding any other office, or engaged in business of any kind requiring his personal attention between the hours of nine A. M. and four P. M. shall serve as bank commissioner.

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

Secretary,
his salary
and duties

Section 13. The bank commissioners shall have the power to appoint a secretary, at a salary of three hundred (\$300) dollars per month. It shall be the duty of the secretary, whenever required by the bank commissioners, to visit and make personally a full examination of any corporation mentioned in section three (3) of this act and report its conditions to the bank commissioners, and the secretary shall be allowed his actual expenditures necessarily incurred in making such examination and report, and for this purpose the secretary of the bank commissioners is hereby empowered to administer oaths. The said commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M. every day, except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed two hundred (\$200) dollars per month. They may also provide stationery, fuel and other conveniences necessary for the transaction of their duties, not exceeding in the aggregate the sum of seven thousand five hundred (\$7,500) dollars per annum, for the

Office
hours.

Expenses.

year 1907 they may provide furniture and furnishings in the sum of twenty-seven hundred (\$2700) dollars to replace furniture destroyed by fire on April 18, 1906; and they shall cause their annual reports to the governor of this state to be printed by the lowest bidder and distributed, at a cost not to exceed two thousand (\$2,000) dollars per annum, and which printing shall be exempt from the provisions of Article XII, Chapter III, Title I, Part III of the Political Code. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the commissioners.

Annual reports.

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

Section 15. To pay the salaries, the cost of printing the bank commissioners' annual reports, and all other necessary expenses of the commissioners, as provided for in this act, every corporation, person, or partnership receiving a license shall pay annually therefor, in advance, to the commissioners, in gold coin, the sum of forty (\$40) dollars for each place of business. The cost of such licenses shall be pro rated for such proportional number of months as the license is to run, and all of such licenses shall be due and payable on the first day of July in each year and shall expire on the thirtieth day of the following June. To meet the balance of such expenses, after deducting therefrom the amount received from licenses, each of said corporations, persons and partnerships shall pay annually, in advance, to the commissioners, in gold coin, its, his, or their share of the amount of said balance; the share to be paid by any such corporation, person, or partnership to be determined by the proportion which the deposits of any such corporation, person or partnership bear to the aggregate deposits of all such corporations, persons or partnerships receiving licenses, as shown by the latest reports of such corporations, persons and partnerships to the commissioners. Said commissioners shall, on demand made therefor, and without charge, furnish to every corporation, society, association, company, institution, partnership, person or persons, mentioned in this act, copies of papers, statements and reports filed in their office, and may, as provided by this act, recover any and all moneys payable to them by any corporation, association, society, company, institution, partnership, person or persons herein mentioned; and all moneys collected or received by such bank commissioners, or either of them, under or by virtue of the provisions herein, shall be by them delivered to the treasurer of this state, who shall pay the same into a fund which is hereby created, and which shall be known as the "bank commissioners' fund." And the unexpended balances of all moneys heretofore paid into the state treasury by said bank commissioners shall be transferred to said fund and become a part thereof.

Salaries and expenses, how paid.

Copies of papers.

Disposition of moneys collected.

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

Section 18. The bank commissioners may sue for and recover, in the name of the people, in any court of competent

Commissioners may sue.

jurisdiction, all sums of money which become due, payable, or forfeited by any of the provisions of this act. Except as provided in this statute, the provisions of Part II of the Code of Civil Procedure are applicable to and constitute the rules of practice in proceedings mentioned in this section.

Sec. 7. A new section is hereby added to the said act and is hereby numbered section nineteen *a* so as to read as follows:

Amount
of paid-in
capital
required of
banks.

Section 19*a*. Every person, company, or corporation, except savings and loan corporations, which is now transacting or which may hereafter transact the business of a bank, or banking corporation, must at all times have actually paid in a capital equal to at least ten per cent of the total amount owing to the depositors, banks and bankers, and to its creditors by such bank, or banking corporation; *provided* that the minimum amount of such capital, to be actually paid in, shall in no instance be less than the sum of twenty-five thousand (\$25,000) dollars; *and provided further* that the maximum amount of such capital, so required to be actually paid in, shall, in no instance, be required to exceed the sum of one million (\$1,000,000) dollars. The bank commissioners of the State of California shall not issue to any bank or banking corporation a license to transact business until this section shall be complied with, and said commissioners shall thereafter have full power to make such order, or orders, from time to time, as may be necessary to compel a full compliance with the provisions thereof, and may, in this behalf, revoke any and all licenses heretofore or hereafter granted. In construing the provisions of this section, net surplus shall be treated and considered as part of the paid in capital.

Sec. 580 of
Civil Code
repealed.

SEC. 8. Section five hundred eighty of the Civil Code and all other acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after the date of its passage.

CHAPTER 303.

An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section 1192 thereof, relating to liens upon real property and the improvements thereon.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred and ninety-two of an act entitled "An act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

1192. Every building or other improvement mentioned in section one thousand one hundred and eighty-three of this code, constructed upon any lands with the knowledge of the owner, or the person having or claiming any interest therein, and the work or labor of every character whatsoever done and materials furnished, mentioned in said section, upon, in or to any mining claim or claims, or real property worked as a mine, with the knowledge of the owner, or the person having or claiming any interest therein, shall be held to have been constructed, performed or furnished at the instance of such owner or person having or claiming any interest therein, and the 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 interest therein shall, within ten days after he shall obtain knowledge of the construction, alteration, 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 said land or mining claim or claims, or upon the building or other improvements situated thereon, or file and record a copy of such notice in the office of the county recorder of the county wherein such mining claim or real property worked as a mine is situate. And all mining machinery placed upon or in any mining claim or claims, or real property used as a mine, under a lease or other agreement by the terms of which such machinery shall not lose its identity as the personal property of the lessor, and which is used in the operation and working of such mining claim or claims, or real property used as a mine, shall be deemed to be a fixture attached to such mining claim or claims, or real property used as a mine, for the purposes only of the lien hereinbefore mentioned, and shall be subject to such lien, unless such lessor shall within ten days after such machinery shall have been delivered at such mining claim or claims, or real property used as a mine, file and record such lease or other agreement in the office of the county recorder of the county in which such machinery shall be used as aforesaid; or within said ten days shall post a notice in some conspicuous place in some building on said mining claim wherein said machinery is to be used, stating therein that said machinery is the property of said lessor and has been leased or contracted to be sold to the person operating said mine, and that said machinery will not be liable for any lien provided for in this chapter. Any person performing labor on such mining claim or real property worked as a mine may post and keep posted in a conspicuous place thereon a notice containing the substance of either or both of the notices above provided and it shall be a misdemeanor for any person to take down, remove or deface such notice.

Improvement held constructed at instance of owner.

Owner's notice of non-liability.

Rights of lessor.

Lessor's notice of non-liability.

CHAPTER 304.

An act to repeal section 384 of the Civil Code, relating to the power of the legislature to repeal Part IV of Division First of said code, or any title, chapter, article, or section thereof.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sec. 384 of
Civil Code
repealed.

SECTION 1. Section three hundred and eighty-four of the Civil Code is hereby repealed; *provided however*, that this shall not be deemed to repeal or otherwise affect section four hundred and four of said code; *and provided further* that no rights acquired under the provisions of said section three hundred and eighty-four shall be affected hereby, but the same shall be continued in force under the provisions of said section four hundred and four.

CHAPTER 305.

An act to amend section fourteen hundred ninety-nine of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Claims
barred by
statute
of limita-
tions.

1499. No claim must be allowed by the executor or administrator, or by a judge of the superior court, which is barred by the statute of limitations. When a claim is presented to a judge for his allowance, he may, in his discretion, examine the claimant and others, on oath, and hear any legal evidence touching the validity of the claim. No claim against any estate, which has been presented and allowed, is affected by the statute of limitations, pending the proceedings for the settlement of the estate.

CHAPTER 306.

An act to amend section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 593 of the Civil Code is hereby amended to read as follows:

593. Any number of persons associated together for any purpose, where pecuniary profit is not their object, and for which individuals may lawfully associate themselves, may, in accordance with the rules, regulations, or discipline of the association, elect directors, the number thereof to be not less than three nor more than twenty-one, and may incorporate themselves as provided in this title.

Formation of corporations not for profit.

CHAPTER 307.

An act to amend section nine hundred and fifty-four of the Code of Civil Procedure, relating to the dismissal of appeals.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

954. If the appellant fails to furnish the requisite papers, the appeal may be dismissed; but no appeal can be dismissed for insufficiency of the undertaking, if a good and sufficient undertaking, approved by a justice of the supreme court be filed in the supreme court, or (where the appeal is pending before a district court of appeal either by direct appeal thereto or by transfer thereto by the supreme court) if a good and sufficient undertaking, approved by a justice of said district court of appeal, be filed in said district court, before the hearing upon motion to dismiss the appeal. When it is made to appear to the satisfaction of the court or a judge thereof, from which the appeal was taken, that a surety or sureties upon an appeal bond from any cause has or have become insufficient, and the bond or undertaking inadequate as security for the payment of the judgment appealed from, or that the bond has been lost or destroyed, the last named court, or a judge thereof, may order the giving of a new bond with sufficient sureties, as a condition to the maintenance of the appeal. The said bond or undertaking shall be approved by the last-named court, or

When an appeal may be dismissed; when not.

a judge thereof; and in case said sureties fail to justify before said last-named court, or a judge thereof, or fail to comply with the order to appear and justify, execution may issue upon the judgment as if no undertaking to stay execution had been given.

CHAPTER 308.

An act to amend sections 2787 and 2789 of the Political Code, and to add a new section thereto to be known as section 2802, relating to the construction of toll roads.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2787 of the Political Code is hereby amended to read as follows:

Acquisition of lands for toll roads.

2787. Lands, roadways, and rights to the use of land necessary for the purposes of the toll road or its appurtenances may be acquired by gift, purchase, transfer, or consent, or by condemnation as hereinabove provided for. If after any toll road company has actually constructed its road over any land, adverse claim be made to such land, the company may, without making the application to the board of supervisors hereinabove provided for, acquire the right of way for said road over such land by condemnation in the manner provided for in Title VII of the Code of Civil Procedure. Lands within any public highway may be granted by the board of supervisors or town or city authorities on such terms and for such sums as may be agreed upon.

SEC. 2. Section 2789 of the Political Code is hereby amended to read as follows:

Plat must be made before tolls are fixed.

2789. When the company has obtained all necessary lands, roadways, and rights of way in any county by gift, purchase, transfer, consent or agreement, the road may be constructed or completed without making the application to the board of supervisors hereinbefore provided for; but before the supervisors fix the tolls to be taken on such road, an accurate survey or plat of the road must be made by a practical surveyor, signed and sworn to by the president and secretary, and filed for record in the county clerk's office of each county through which the road passes.

SEC. 3. A new section is hereby added to the Political Code, to be known as section 2802, and to read as follows:

Provisions apply to all toll roads.

2802. The provisions of this article apply to all toll roads, whether owned by companies, corporations, or natural persons, and include toll roads constructed or to be constructed and operated for the use of light vehicles for the carriage of persons, and for the use of automobiles and other horseless vehicles.

CHAPTER 309.

An act to repeal section eleven of the Political Code, relating to holidays.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven of the Political Code is hereby repealed. Sec. 11 of Political Code repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 310.

An act to add a new section to the Political Code, to be known as section thirty-five thereof, relating to the conveying to the United States of state lands covered by navigable waters.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be known as section thirty-five thereof, and to read as follows:

35. The governor, on application therefor by a duly authorized agent, may convey to the United States any tract of land not exceeding ten acres, belonging to the state and covered by navigable waters, for the site of a lighthouse, beacon, or other aid to navigation. After such conveyance the United States shall have jurisdiction over such tract, subject to the right of the state to have concurrent jurisdiction so far that all process, civil or criminal, issued under authority of the state may be executed by the proper officers thereof within such tract, upon any person or persons amenable to the same, in like manner and with like effect as if such conveyance had not been made. Conveyance of state lands for lighthouse sites.

SEC. 2. This act shall take effect immediately.

CHAPTER 311.

An act to repeal Article XIII of Chapter III of Title I of Part III of the Political Code, relative to state geologist.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Secs. 548 to 554 of Political Code repealed.

SECTION 1. Article XIII of Chapter III of Title I of Part III of the Political Code and every section in said article contained are hereby repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 312.

An act to add two new sections to the Political Code to be known as sections four hundred and forty-four and four hundred and sixty-one thereof, both relating to the general fund.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be known as section four hundred and forty-four thereof, and to read as follows:

State general fund, transfer of moneys to.

444. The controller must, when the general fund of the state treasury is exhausted, and there is money in some other fund not required to meet any demand which has accrued or may accrue against it, report such fact to the governor and the treasurer. If they find that the money is not needed in such other fund, the governor may order the controller to direct the transfer of such money, or any part thereof, to the general fund. All money so transferred must be returned to the fund from which it was transferred as soon as there is sufficient money in the general fund to return it. Nothing in this section warrants the transfer of any money from any fund so as to in any manner interfere with the object for which such fund was created.

SEC. 2. A new section is hereby added to the Political Code to be known as section four hundred and sixty-one thereof, and to read as follows:

Payment of salaries when general fund is exhausted.

461. When the general fund is exhausted, the state treasurer may advance out of any public fund in his charge, moneys on the controller's warrants, drawn for the salaries of public officers, entitled to monthly payments from the state,

keeping such warrants as his vouchers until there is money in the general fund to cancel them, and to place them to his credit; but he must not take any money out of any fund against which there is any warrant then due, or which may become due, nor in any way keep claimants from their just demands.

SEC. 3. This act shall take effect immediately.

CHAPTER 313.

An act to add a new section to the Political Code to be known as section four hundred and fifty-three a thereof, relating to donations to the state.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be known as section four hundred and fifty-three a thereof, and to read as follows:

453a. Whenever any person donates to the state any money, the state treasurer is hereby authorized, upon the receipt of a certificate from the controller, to receive the same; and in case the donor, at the time of making the donation, designates, in writing, the fund he desires to benefit thereby, such donation must be appropriated accordingly, but if no such designation is made, then it must be paid into the common school fund.

Donations
of money
to state,
disposi-
tion.

SEC. 2. This act shall take effect immediately.

CHAPTER 314.

An act to repeal section three hundred and sixty-seven of the Political Code, relating to state prisons.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred and sixty-seven of the Political Code is hereby repealed.

Sec. 367 of
Political
Code
repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 315.

An act to amend section three hundred and sixty-four of the Political Code, relating to the board of examiners.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

State board
of ex-
aminers.

364. The board of examiners consists of the governor, the secretary of state, the attorney-general, or during his absence from the capital, the assistant attorney-general. The secretary of the board is ex officio a member thereof, to act only in the absence from the capital of any two of the members.

SEC. 2. This act shall take effect immediately.

CHAPTER 316.

An act to repeal section three hundred and forty-nine of the Political Code, relating to state printer.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sec. 349 of
Political
Code
repealed.

SECTION 1. Section three hundred and forty-nine of the Political Code is hereby repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 317.

An act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of state prisons.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

State
prisons.

SECTION 1. A new title is hereby added to Part III of the Penal Code, to be known as Title I thereof, and to read as follows:

TITLE I.

OF STATE PRISONS.

Section 1572.	Names of state prisons.
1573.	Directors, how appointed.
1574.	Organization of board of directors.
1575.	Quorum.
1576.	Directors, duties of.
1577.	Wardens, appointment of.
1578.	Wardens, duties of.
1579.	Prisoners, release and restoration of, to citizenship.
1580.	Clerks, appointment and duties of.
1581.	Removal of wardens, clerks, etc.
1582.	Wardens and clerks, salaries, etc.
1583.	Contracts.
1584.	Moneys collected by wardens, disposition of.
1585.	Moneys collected by wardens, receipts to be given for.
1586.	Convicts, employment of.
1587.	Prisoners, treatment of.
1588.	Prisoners, credits of.
1589.	Prisoners, United States.
1590.	Directors, powers of.
1591.	Officers and employés, not to receive other compensation than that allowed by directors.
1592.	Officers and employés, not to make gifts, etc.
1593.	Annual reports.
1594.	Bonds of officers and employés.
1595.	Rebuilding of buildings destroyed by fire.
1596.	Reports.

1572. The state prisons of this state shall be known as the State Prison at San Quentin, which shall have an official staff conforming to the laws of the state in relation to state prisons; and the State Prison at Folsom, which shall have a similar staff and be similarly organized, and all the finances and accounts of the two prisons shall be kept separate and apart from each other.

Names of
state
prisons.

1573. For the government and management of the state prisons there shall be appointed by the governor, by and under the advice of the senate, five directors, who shall hold their office for the term of ten years, from and after the date of such appointment; such appointments to be made as vacancies occur in the board. In case of death or resignation of a director his successor shall be appointed to fill the unexpired term of such director by the governor, by and with the advice of the senate. Each director shall subscribe an oath of office, which shall be indorsed on his commission, within ten days after receiving written notice of such appointment, and a duplicate of such oath shall also be filed with the secretary of state.

Directors,
how
appointed.

1574. The board of directors shall annually elect one of their members president of the board, whose duty it shall be to preside at the meeting of the board and to perform such other duties as may from time to time be prescribed by the rules and regulations for the government of the board.

Organiza-
tion
of board.

1575. Three members of the board shall constitute a quorum for the transaction of all business, but no order of the board shall be valid unless concurred in by three or more members.

Quorum.

Duties of directors.

1576. It shall be the duty of the directors to determine the necessary officers and employés of the prisons other than those of the wardens and clerks, specifying their duties severally, and fixing their salaries; to prescribe rules and regulations for the government of the prisons, and to revise and change the same from time to time as circumstances may require, and to board and lodge the officers and employés, or allow them a money commutation in lieu thereof; *provided*, the warden may make temporary rules, in cases of emergency, to remain in force until the succeeding meeting of the board. At least three of the directors shall visit the prisons once in each month, and oftener if necessary, at such time as they may select. The directors shall audit all claims for supplies, services, and expenses of officers and employés, and all other demands against the prison.

Record of official acts.

Second—To enter or cause to be entered on their journal by the clerks all official acts which shall be signed by at least three members of the board.

Annual reports.

Third—On or before the first day of December of each year to report to the governor the condition of the prisons, together with detailed statements of receipts and expenditures, and such suggestions concerning the prisoners as may appear to be necessary and expedient.

Rules and regulations.

Fourth—The board of directors shall also adopt rules and regulations not inconsistent with the constitution and the laws of the State of California for the government of the board, and may change the same at their pleasure.

Place of office.

Fifth—The board of directors shall have power to establish an office in San Francisco, and employ a secretary.

Appointment of wardens.

1577. The board of directors shall appoint a warden for each prison, who shall take and subscribe an oath or affirmation faithfully to discharge the duties of his office, as prescribed by law and by the rules and regulations of the board of directors, and to enter into a bond to the State of California, in the sum of twenty-five thousand dollars, with two or more sufficient sureties, to be approved by the directors and the attorney-general of the state, conditioned to the faithful performance of such duties as such officer aforesaid, and he shall hold his office four years after such appointment.

Duties of wardens.

1578. The wardens shall reside at the state prisons to which they are respectively assigned in houses provided and furnished at the expense of the state, as may be ordered by the board of directors, and it shall be their duty:

To fill subordinate positions.

First—To fill all subordinate positions that may be created by order of the board of directors by appointment of suitable persons thereto.

To prosecute suits at law.

Second—Under the order and direction of the board to prosecute all suits at law or in equity that may be necessary to protect the rights of the state in matters or property connected with the prisons and their management, such suits to be prosecuted in the name of the board of state prison directors.

Third—To supervise the government, discipline, and police of the prisons, and to enforce all orders and regulations of the board in respect to such prisons. A registry of convicts shall be kept by them respectively, in which shall be entered the name of each convict, the crime of which he is convicted, the period of his sentence, from what county sentenced, by what court sentenced, his nativity, to what degree educated, at what institution and under what system, an accurate description of his person, and whether he has been previously confined in a state prison in this or any other state, and if so, when and how he was discharged.

To supervise the prisons.

Fourth—To report to the governor before the twentieth of each month the names of all prisoners whose terms are about to expire, giving in such report the terms of their sentences, the date of imprisonment, the amount of total credits to the date of such report, and the date when their service would expire by limitation of sentence.

To report monthly to governor.

Fifth—To perform such other duties as may be prescribed by the board of directors.

Other duties.

1579. The governor, at the expiration of the term for which any prisoner has been sentenced, less the number of days allowed and credited to him, must order the release of such prisoner, by an order under his hand, addressed to the warden of the prison in which he has been confined, in such mode and form as he may deem proper, and with or without restoration to citizenship, according to his discretion, and if he order the release of such prisoner without restoration to citizenship, he may at any time thereafter, in his discretion, make a further order restoring to citizenship the prisoner so released.

Prisoners, release and restoration of to citizenship.

1580. The board of directors shall appoint a clerk for each prison, who shall take an oath of office and enter into a bond to the state, with sureties satisfactory to the board, in the sum of ten thousand dollars, conditioned that they will faithfully discharge the duties required of them. The clerks shall hold their office for the period of four years after such appointments. The clerks shall keep the accounts of the prisons to which they are severally appointed, in such manner as to exhibit clearly all its financial transactions; and the clerks shall perform such other duties as may from time to time be required of them by the board of directors.

Appointment and duties of clerks.

1581. No person shall be appointed to any office by the wardens or be employed in the prisons on behalf of the state who is a contractor or agent, or who is interested directly or indirectly in any business carried on therein; and no male person who is not a qualified elector of the State of California shall be appointed by the wardens to any office in or about the prisons, nor shall any be appointed or employed by virtue of this title, who is in the habit of intemperate use of liquors, and a single act of intemperance shall justify his discharge or removal, and it shall be the duty of such warden to discharge such person. Wardens and clerks may be removed

Removal of wardens, clerks, etc.

by the board of directors at any time for misconduct, incompetency, or neglect of duty; and all other officers and employés may be removed at any time at the pleasure of the wardens.

Salaries of wardens and clerks.

1582. The wardens shall receive a salary of not less than twenty-four hundred dollars, and not to exceed three thousand dollars, per annum, in the discretion of the board of directors. The clerks shall receive a salary not to exceed eighteen hundred dollars per annum, and all other officers and employés shall receive such compensation as the directors may deem just and equitable in each case.

Contracts for supplies.

1583. The board of directors are hereby authorized and required to contract for provisions, clothing, medicines, forage, fuel, and all other staple supplies needed for the support of the prisons for any period of time, not exceeding one year, and such contracts shall be limited to bona fide dealers in the several classes of articles contracted for. Contracts for such articles as the board may desire to contract for, shall be given to the lowest bidder at a public letting thereof, if the price bid is a fair and reasonable one, and not greater than the usual market value and prices. Each bid shall be accompanied by such security as the board may require, conditional upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a penal bond with good and sufficient sureties in such sum as the board may require, and to their satisfaction that he will faithfully perform his contract. If the proper officer of the prison reject any article, as not complying with the contract, or if a bidder fail to furnish the articles awarded to him when required, the proper officer of the prison may buy other articles of the kind rejected or called for, in the open market, and deduct the price thereof, over the contract price, from the amount due to the bidder, or charge the same up against him.

Notice of letting of contracts.

Notice of the time, place, and conditions of the letting of contracts shall be given for at least two consecutive weeks in two newspapers printed and published in the city and county of San Francisco, and in one newspaper printed and published in the city of Sacramento, and in the county where the prison to be supplied is situated. If all the bids made at such letting are deemed unreasonably high, the board may, in their discretion, decline to contract and may again advertise for such time and in such papers as they see proper for proposals, and may so continue to renew the advertisement until satisfactory contracts are made; and in the meantime the board may contract with any one whose offer is regarded as just and equitable, or may purchase in the open market. No bid shall be accepted, nor a contract entered into in pursuance thereof, when such bid is higher than any other bid at the same letting for the same class or schedule of articles, quality considered, and when a contract can be had at such lower bid. When two or more bids for the same article or articles are equal in amount, the board may select the one which, all

things considered, may by them be thought best for the interest of the state, or they may divide the contract between the bidders, as in their judgment may seem proper and right. The board shall have power to let a contract in the aggregate or they may segregate the items, and enter into a contract with the bidder or bidders who may bid lowest on the several articles. The board shall have the power to reject the bid of any person who had a prior contract, and who had not, in the opinion of the board, faithfully complied therewith.

1584. All moneys received or collected by the warden of San Quentin prison shall be reported to the state controller on the first day of each and every month in such form as the controller may require, and at the same time shall be paid into the general fund of the state treasury on the order of the controller, except so much thereof as shall be necessary to be paid into the jute revolving fund as required by the provisions of an act of the legislature approved March 9th, 1885, and amended March 16th, 1889, and of any other act amendatory thereof or supplementary thereto. All moneys received or collected by the warden of Folsom prison shall be reported to the state controller on the first day of each and every month in such form as the controller may require and at the same time shall be paid into the state treasury to the credit of the Folsom state prison 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 fund 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.

Disposition of moneys collected by wardens.

Money allowed discharged prisoners.

1585. All revenues of the prisons, unless in this title otherwise provided, shall be paid to the wardens, who alone are authorized to receipt for the same and discharge from liability. When any sum of money is paid to the wardens, who alone are authorized to receipt for the same and discharge from liability, they shall cause the same to be properly entered on the books by the clerks. On payment of any moneys into the state treasury, as provided in this title, the wardens and state treasurer shall report to the controller of state the amount so paid, and the state treasurer shall give the wardens a receipt therefor, which receipt shall be filed with the controller. The wardens shall report to the controller of state the amount of

Moneys collected by wardens, receipts to be given for.

money paid into said treasury by them during each month, and shall also report to said controller of state the amounts received and disbursed by them every three months, and during the period for which such report shall be made, which quarterly report shall be signed by the warden and at least three of the directors.

Employment of convicts.

1586. All convicts may be employed by authority of the board of directors, under charge of the wardens respectively and such skilled foremen as he may deem necessary in the performance of work for the state, or in the manufacture of any article or articles for the state, or the manufacture of which is sanctioned by law. At San Quentin no articles shall be manufactured for sale except jute fabrics. At Folsom after the completion of the dam and canal the board may commence the erection of structures for jute manufacturing purposes. The board of directors are hereby authorized to purchase from time to time such tools, machinery, and materials, and to direct the employment of such skilled foremen as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured, and not needed by the state, for cash, at private sale, in such manner as provided by law.

Treatment of prisoners.

1587. In the treatment of the prisoners the following general rules shall be observed :

First—Each convict shall be provided with a bed of straw or other suitable material, and sufficient covering of blankets, and shall be supplied with garments of coarse, substantial material, of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive to good health.

Second—No punishment shall be inflicted except by the order and under the direction of the wardens.

Third—The warden shall keep a correct account of all money and valuables upon the prisoner when delivered at the prison, and shall pay the amount, or the proceeds thereof, or return the same to the convict when discharged, or to his legal representative in case of his death; and in the case of the death of such convict without being released, if no legal representative shall demand such property within five years, the same shall be paid into the state prison fund.

Fourth—The rules and regulations prescribing the duties and obligations of the prisoners shall be printed and hung up in each cell and shop.

Fifth—Each convict, when he leaves the prison, shall be supplied with the money taken from him when he entered, and which he has not disposed of, together with any sum which may have been earned by him for his own account, allowed to him by the state for good conduct or diligent labor, or may have been presented to him from any source; and, in case the prisoner has not funds sufficient for present purposes, he shall be furnished with five dollars in money, a suit of clothes, costing not more than ten dollars, and by the cheapest

route to the place where sentenced from, if the prisoner desires to return there, or to any other place of the same cost; and he shall be entitled, if he so elect, to immunity from having his hair cut, or from being shaved, for three calendar months immediately prior to his discharge. It shall not be lawful for the officers of the prison to furnish, or permit to be furnished, to any one, for publication, the name of any prisoner about to be discharged. When the warden, and such other officers as may be designated by the directors to act with him in such cases, shall be of opinion that any convict is insane, they shall make proper examination, and if they remain of the opinion that such person is insane, the warden shall certify the fact to the superintendent of one of the state asylums for the insane, and shall forthwith send such convict to said asylum for care and treatment. If at the expiration of the term of sentence the insane convict is still in the insane asylum, he shall be allowed to remain there until discharged cured. It shall be the duty of the warden, also, to send to the directors a copy of such certificate, and thereafter a statement as to his subsequent acts regarding the said insane convict. And it shall be the duty of the superintendent of the insane asylum to receive such insane convict and keep him until cured. It shall be his duty, upon receipt of such insane convict, to notify the directors of the fact, giving name, date, and where from, and from whose hands received. When, in the opinion of the superintendent, such insane convict is cured of insanity, it shall be his duty to immediately notify the directors thereof; and it shall be his duty also to notify the warden of the prison from whence he was received, who shall immediately send for, take, and receive the said convict back into the prison, the time passed at the asylum counting as a part of such convict's sentence. Before discharging any convict who may be insane at the time of the expiration of his sentence, the warden shall first give notice, in writing, to a judge of the superior court of the county in which the state prison may be located, over which he has control, of the fact of such insanity; whereupon said court shall forthwith make an order, and deliver the same to the sheriff of said county, commanding him to remove such insane convict and take him before said court. Upon the receipt of such order, it shall be the duty of said sheriff, to whom it is directed, to execute, and return the same forthwith to the court by whom it was issued, and thereupon the said court shall cause proper examination to be made by medical experts, and if it shall satisfactorily appear that such convict is insane, said court shall order him to be confined in one of the insane asylums. The sheriff shall receive the same compensation as for transferring a prisoner to the state prison, and to be paid in the same manner. If any judge, after having been notified by the warden, shall neglect to cause such order to be made, as herein provided, or any such sheriff shall neglect to remove such insane convict, as required by the provisions of this section, it shall be the duty of the

Insane
convicts.

Discharge
of insane
convict,
pro-
ceedings.

warden to cause such insane convict to be removed before a superior court of a county in which the state prison is located, in charge of an officer of the prison, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the state treasury, in the same manner as when removed by the sheriff, as in this title provided.

Credits of convicts.

1588. The state board of prison directors shall require of every able-bodied convict confined in a state prison as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison. Every convict who shall have no infraction of the rules and regulations of the prison, or laws of the state, recorded against him, and who performs in a faithful, orderly, and peaceable manner the duties assigned to him, shall be allowed from his term, instead and lieu of the credits heretofore allowed by law, a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term, and pro rata for any part of a year, where the sentence is for or more or less than a year. The mode of reckoning credits shall be as shown in the following table:

Schedule of credits.

No. of Years of Sentence.	Good Time Granted.	Total Good Time Made.	Time to be Served if Full Time is Made.
First year ...	2 months..	2 months	10 months.
Second year ...	2 months..	4 months	1 year and 8 months.
Third year ...	4 months..	8 months	2 years and 4 months.
Fourth year ...	4 months..	1 year	3 years.
Fifth year ...	5 months..	1 year and 5 months	3 years and 7 months.
Sixth year ...	5 months..	1 year and 10 months	4 years and 2 months.
Seventh year ...	5 months..	2 years and 3 months	4 years and 9 months.
Eighth year ...	5 months..	2 years and 8 months	5 years and 4 months.
Ninth year ...	5 months..	3 years and 1 month	5 years and 11 months.
Tenth year ...	5 months..	3 years and 6 months	6 years and 5 months.

And so on, through as many years as may be the term of the sentence. Each convict shall be held entitled to these deductions, unless the board of directors shall find that for misconduct or other cause he should not receive them. But if any convict shall commit any assault upon his keeper, or any foreman, officer, convict, or person, or otherwise endanger life, or shall be guilty of any flagrant disregard of the rules of the prison, or commit any misdemeanor, or in any manner violate any of the rules and regulations of the prison, he shall forfeit all deductions of time earned by him for good conduct before the commission of such offense, or that, under this section, he may earn in the future, or shall forfeit such part of such deductions as to the board of directors may seem just; such forfeiture, however, shall be made only by the board of directors after due proof of the offense and notice to the offender; nor shall any forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the directors shall be the sole judges. The board shall have power to restore credits forfeited, for such reasons as by them may seem proper.

Forfeiture of credits.

1589. All criminals sentenced to the state prisons by the authority of the United States shall be received and kept according to the sentence of the court by which they were tried, and the prisoners so confined shall be subject in all respects and discipline and treatment as though committed under the laws of this state. The wardens are hereby authorized to charge and receive from the United States, for the use of the state, an amount sufficient for the support of each prisoner, the cost of all clothing that may be furnished, and one dollar per month for the use of the prisoner. No other or further charge shall be made by any officer for or on account of such prisoners.

United
States
prisoners.

1590. The board of directors shall have power to contract for the supply of gas and water for said prisons, upon such terms as said board shall deem to be for the best interests of the state, or to manufacture gas, or furnish water themselves, at their option. They shall also have power to erect and construct, or cause to be erected and constructed, electrical apparatus or other illuminating works in their discretion with or without contracting therefor, on such terms as they may deem just. The board shall have full power to erect any building or structure deemed necessary by them, or to alter or improve the same, and to pay for the same from the fund appropriated for the use or support of the prisons, or from the earnings thereof, without advertising or contracting therefor; *provided*, that no building or structure, the cost of which will exceed five thousand dollars, shall be erected or constructed without first obtaining the consent of the governor, secretary, and treasurer of the state, or a majority thereof. The board shall have power to give for meritorious service to any convict discharged, or about to be discharged, a sum in addition to that already allowed, not exceeding ten dollars.

Powers of
directors.

1591. No officer or employé shall receive, directly or indirectly, any compensation for his services other than that prescribed by the directors; nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor, or agent, or employé of a contractor. For any violation of the provisions of this section the officer, agent, or employé of the state shall be discharged from his office or service; and every contractor, or employé, or agent of a contractor engaged therein, shall be expelled from the prison grounds, and not again permitted within the same as a contractor, agent, or employé.

Officers to
receive
no other
than
prescribed
compensation.

1592. No officer or employé of the state, or contractor, or employé of a contractor, shall, without permission of the board of directors, make any gift or present to a convict, or receive any from a convict, or have any barter or dealings with a prisoner. For every violation of the provisions of this section, the party engaged therein shall incur the same penalty as prescribed in section one thousand five hundred and ninety-one of this code. No officer or employé of the

Officers
not to
make or
receive
gifts.

prison shall be interested, directly or indirectly, in any contract or purchase made or authorized to be made by any one for or on behalf of the prisons.

Number of reports to be printed. **1593.** There shall be printed annually for the use of the prisons five hundred copies of the annual report of the board of directors, and the clerk shall annually transmit to each of the state prisons in the United States one copy of such report.

Bonds, where deposited. **1594.** All the bonds of officers and employes under this title shall be deposited with the secretary of state.

Buildings destroyed by fire, rebuilding of. **1595.** If any of the shops or buildings in which convicts are employed are destroyed in any way, or injured by fire or otherwise, they may be rebuilt or repaired immediately, under the direction of the board of directors, by and with the advice and consent of the governor, attorney-general, and secretary of state, and the expenses thereof paid out of any funds in the state treasury not otherwise appropriated by law.

Reports to governor. **1596.** The board of directors must report to the governor from time to time the names of any and all persons confined in the state prisons who, in their judgment, ought to be pardoned out and set at liberty on account of good conduct, or unusual term of sentence, or any other cause, which, in their opinion, should entitle the prisoner to pardon.

Construction of act. **SEC. 2.** Nothing in this act contained shall be construed to shorten or extend the term of office of any person holding office or employment at the time this act goes into effect under the provisions of an act entitled, "An act to regulate and govern the state prisons of California," approved March 19, 1889, or the acts amendatory thereof or supplementary thereto.

CHAPTER 318.

An act to amend section 2349 of the Political Code and to repeal section 2351 thereof, both relating to certain streams and waters declared public ways.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-three hundred and forty-nine is hereby amended to read as follows:

Streams and waters declared navigable. **2349.** The following streams and waters are declared public ways: So much of a slough as lies between Simonds canal, in the town of Alviso, and the bay of San Francisco; Petaluma river, from its mouth to the southerly line of Washington street in the city of Petaluma; the Sonoma river, between its mouth and a point opposite Fowler's hotel in the town of San Luis; the Napa river, between its mouth and the tollbridge; the Suisun river, between its mouth and the town

of Suisun embarcadero; the Sacramento river, between its mouth and the mouth of Middle creek; the Feather river, between its mouth and a point fifty feet below the bridge crossing Feather river first above the mouth of the Yuba river; the Yuba river, between its mouth and a point at the mouth of the slough at the foot of F street, in the city of Marysville; the San Joaquin river, between its mouth and Sycamore point; the Stockton slough, between its mouth and the west line of El Dorado street, in Stockton; the Mokelumne river, between its mouth and the first falls; the Tuolumne river, between its mouth and Dickinson's ferry; Deer creek, between the house of Peter Lassen and its mouth; Big river, three miles from its mouth; Noyo river, three miles from its mouth; Albion river, three miles from its mouth; San Antonio creek, in the county of Alameda, from its mouth to the old embarcadero of San Antonio; the Arroyo del Medo, in the county of Santa Clara, from its mouth to the upper line of the town of New Haven; Mission creek, in the county of San Francisco; that portion of Channel street in the city of San Francisco, lying easterly of the northeasterly line of Seventh street, the width thereof to be one hundred forty feet; that certain creek running through tide land survey numbered sixty-eight, and swamp and overflowed land survey numbered one hundred and forty-five, from its mouth to the head of tide-water therein; San Leandro creek, from its mouth at San Francisco bay to Andrews' landing; San Lorenzo creek, from its mouth at San Francisco bay to Roberts' landing; Johnson's creek, from its mouth at San Francisco bay to Simpson's landing; the north branch of Alameda creek, from its mouth to Eden landing; San Rafael and Corte Madera creeks, in Marin county, from their mouths as far up as tide-water flows therein; the Neuces creek, from its mouth at Suisun bay to a point one half mile above the warehouse of George P. Loucks; Diablo creek, from its junction with the Neuces, to a point opposite the warehouse of Frank Such, in Contra Costa county; the Arroyo de San Antonio, or Keys creek, in Marin county, from its mouth at Tomales bay to the warehouses on the point at Keys embarcadero; all the streams and sloughs emptying into Elk river, and all streams and sloughs south of Eureka, in Humboldt county, which are now or at any time have been used for the purpose of floating logs or timber, and all the sloughs south of Humboldt point, in said county, that at high water have a depth of two feet of water, and wide enough to float and admit a boat carrying five tons or more freight; Novato creek, or estuary, in Marin county, from its mouth to Sweetzer's landing; Salinas river and Elkhorn slough, or Estero Viejo, in Monterey county, from its mouth as far up as tide-water flows; First Napa creek, Second Napa creek, and Third Napa creek, in Sonoma county, between Napa and Sonoma rivers; Moro Cojo slough, in Monterey county, from Salinas river to tide-water; Gallinas, or Guyanas, slough or creek, in Marin county, from its mouth to the line of the Sonoma and Marin railroad;

Streams
and waters
declared
navigable.

Clear Lake, in Lake county, *provided* that nothing herein contained shall be deemed to interfere with rights of owners and claimants of swamp or overflowed land around the margin of said Clear Lake to reclaim the same.

Sec. 2351
of Political
Code
repealed.

SEC. 2. Section twenty-three hundred and fifty-one is hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 319.

An act to repeal section 312 of the Civil Code, as approved March 21st, 1905, and to amend section 312 of said code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sec. 312 of
Civil Code
repealed.

SECTION 1. Section 312 of the Civil Code, as approved March 21st, 1905, is hereby repealed.

SEC. 2. Section 312 of the Civil Code, as approved March 22, 1905, is hereby amended to read as follows:

Majority
of stock
must be
represented
at
elections.

312. At all elections or votes had for any purpose in corporations formed for profit there must be a majority of the subscribed capital stock or of the members represented, either in person or by proxy in writing; *provided*, that in all instances of corporations formed for purposes other than profit the by-laws shall provide the number of members or stockholders that shall constitute a quorum for the transaction of business. Every person acting therein, in person or by proxy or representative, must be a member thereof or a stockholder, having stock in his own name on the stock books of the corporation at least ten days prior to the election. Any vote or election had other than in accordance with the provisions of this article is voidable at the instance of absent or any stockholders or members, and may be set aside by petition to the superior court of the county where the same is held. Any regular or called meeting of the stockholders or members may adjourn from day to day, or from time to time, if for any reason there is not present a majority of the subscribed stock or members, or no election had, such adjournment and the reasons therefor being recorded in the journal of proceedings of the board of directors.

Meeting
may
adjourn
from day
to day.

CHAPTER 320.

An act to repeal section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred and twenty-one of the Civil Code, as approved March 3, 1905, is hereby repealed. Sec. 421 of Civil Code repealed.

SEC. 2. Nothing herein contained shall be deemed to repeal any of the provisions of section four hundred and twenty-one of said code, as approved March 21, 1905, and any rights acquired under said section 421, as approved March 3, 1905, shall be preserved under the provisions of said section 421, as approved March 21, 1905. Rights preserved.

CHAPTER 321.

An act authorizing any incorporated city, town or municipal corporation, to construct, equip, use, maintain and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the preparation, manufacturing, handling or transporting of materials or supplies required in the construction or completion of any public work, improvement or utility, and to lease, acquire, by purchase, condemnation or otherwise, and hold and use lands and other necessary property for said purposes.

[Approved March 18, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any incorporated city, town or municipal corporation in this state is hereby authorized to construct, equip, use, maintain and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, within or without such city, town or municipal corporation, or the county wherein such city, town or municipal corporation is located, for the preparation, manufacture, handling or transporting of any materials or supplies required in the construction or completion by such city, town or municipal corporation of any public work, improvement or utility, and, for the purpose of constructing, equipping,

Municipal corporations may acquire and operate works, etc., for construction of public utilities.

using, maintaining or operating any such works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, such city, town or municipal corporation is hereby authorized to lease or acquire, by purchase, condemnation or otherwise, and hold and use, any land, rights of way, water, water rights, quarry, gravel bed or other mineral deposits, or any other necessary property, within or without such city, town or municipal corporation, or the county wherein such city, town or municipal corporation is located.

Limitation
of act.

SEC. 2. Nothing in this act contained shall be construed as extending or enlarging any limitation prescribed by law or municipal charter upon taxation, expenditure of public funds, or the incurring of indebtedness, by any city, town or municipal corporation.

SEC. 3. This act shall take effect immediately.

CHAPTER 322.

An act to amend section five of "An act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the commissioner of the bureau of labor statistics, and providing penalties for the violation hereof," approved February 20th, 1905.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Employ-
ment of
children.

SECTION 1. Section five of the "Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the commissioner of the bureau of labor statistics; and providing penalties for the violation hereof," is hereby amended to read as follows:

Construc-
tion of act.

Section 5. Nothing in this act shall be construed to prohibit the employment of minors at agricultural, horticultural, 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, horticulture shall be understood to include the curing and drying, but not the canning, of all varieties of fruit.

CHAPTER 323.

An act to amend sections three hundred thirty-seven and three hundred thirty-nine of the Code of Civil Procedure, relating to time within which certain actions must be commenced.

[Approved March 19, 1907.]

The people in the State of California, represented in senate and assembly, do enact as follows:

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

337. Within four years:

1. An action upon any contract, obligation or liability founded upon an instrument in writing executed within this state; *provided*, that wherever the time within which any such action must be so commenced would in any case expire by the terms of this section after the first day of June, one thousand nine hundred and six and before the first day of January, one thousand nine hundred and seven, such action may be commenced at any time before the first day of January, one thousand nine hundred and seven, with the same force and effect as if commenced within four years as in this section provided.

2. An action to recover a balance due upon a mutual, open and current account or upon an open book account.

SEC. 2. Section three hundred and thirty-nine of the Code of Civil Procedure is hereby amended to read as follows:

339. Within two years:

1. An action upon a contract, obligation or liability not founded upon an instrument of writing, other than that mentioned in subdivision two of section three hundred thirty-seven of this code; or an action founded upon an instrument of writing executed out of the state.

2. An action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in his official capacity and in virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution. But this subdivision does not apply to an action for an escape.

Time of
commenc-
ing
actions:
Within
four years.

Within
two years.

CHAPTER 324.

An act to amend section eight hundred and three of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eight hundred and three of said code is hereby amended to read as follows:

Action
against
party
usurping
office or
franchise.

803. An action may be brought by the attorney-general, in the name of the people of this state, upon his own information, or upon a complaint of a private party, against any person who usurps, intrudes into, or unlawfully holds or exercises any public office, civil or military, or any franchise, or against any corporation, either de jure or de facto, which usurps, intrudes into, or unlawfully holds or exercises any franchise, within this state. And the attorney-general must bring the action, whenever he has reason to believe that any such office or franchise has been usurped, intruded into, or unlawfully held or exercised by any person, or when he is directed to do so by the governor.

CHAPTER 325.

An act to amend sections nine hundred and ninety-two and nine hundred and ninety-three of the Code of Civil Procedure, both relating to proceedings against joint debtors.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Answer,
what
to contain.

992. Upon such summons, the defendant may answer within the time specified therein, denying the judgment, or setting up any defense which may have arisen subsequently; or he may deny his liability on the obligation upon which the judgment was recovered, by reason of any defense existing at the commencement of the action.

SEC. 2. Section nine hundred and ninety-three of said code is hereby amended to read as follows:

What to
constitute
pleadings.

993. If the defendant, in his answer, denies the judgment, or sets up any defense which may have arisen subsequently, the summons, with the affidavit annexed, and the answer,

constitute the written allegations in the case; if he denies his liability on the obligation upon which the judgment was recovered, a copy of the original complaint and judgment, the summons, with the affidavit annexed, and the answer, constitute such written allegations, subject to the right of the parties to amend their pleadings as in other cases.

CHAPTER 326.

An act to amend section one thousand and five of the Code of Civil Procedure, relating to motions and notices thereof.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1005. When a written notice of a motion is necessary, it must be given, if the court is held in the county in which at least one of the attorneys of each party has his office, five days before the time appointed for the hearing; otherwise, ten days. When the notice is served by mail, the number of days before the hearing must be increased one day for every twenty-five miles of distance between the place of deposit and the place of service; such increase, however, not to exceed in all thirty days; but in all cases the court, or a judge thereof, may prescribe a shorter time.

Notice of motion, when to be given.

CHAPTER 327.

An act to amend sections ten hundred and ten, ten hundred and eleven, ten hundred and thirteen, and ten hundred and fifteen of the Code of Civil Procedure, all relating to notices in civil actions.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1010. Notices must be in writing, and the notice of a motion, other than for a new trial, must state when, and the grounds upon which it will be made, and the papers, if any, upon which it is to be based. If any such paper has not previously been served upon the party to be notified and was not

Notices and papers, how served.

filed by him, a copy of such paper must accompany the notice. Notices and other papers may be served upon the party or attorney in the manner prescribed in this chapter, when not otherwise provided by this code.

SEC. 2. Section ten hundred and eleven of said code is hereby amended to read as follows:

Personal
service.

1011. The service may be personal, by delivery to the party or attorney on whom the service is required to be made, or it may be as follows:

Upon
attorney

1. If upon an attorney, it may be made during his absence from his office, by leaving the notice or other papers with his clerk therein, or with a person having charge thereof; or when there is no person in the office, by leaving them between the hours of nine in the morning and five in the afternoon, in a conspicuous place in the office; or, if it is not open so as to admit of such service, then by leaving them at the attorney's residence, with some person of not less than eighteen years of age, if his residence is in the same county with his office; and if his residence is not known, or is not in the same county with his office, or being in the same county it is not open, or there is not found thereat any person of not less than eighteen years of age, then by putting the same, inclosed in a sealed envelope, into the postoffice directed to such attorney at his office, if known; otherwise to his residence, if known; and if neither his office nor his residence is known, then by delivering the same to the clerk of the court for the attorney;

Upon a
party.

2. If upon a party, it may be made by leaving the notice or other paper at his residence, between the hours of eight in the morning and six in the evening, with some person of not less than eighteen years of age; and, if his residence is not known, by delivering the same to the clerk of the court for such party.

SEC. 3. Section ten hundred and thirteen of said code is hereby amended to read as follows:

Service by
mail, how.

1013. In case of service by mail, the notice or other paper must be deposited in the postoffice, in a sealed envelope, addressed to the person on whom it is to be served, at his office or place of residence, and the postage paid. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised, or an act is to be done by the adverse party, the time within which such right may be exercised or act be done is extended one day for every twenty-five miles distance between the place of deposit and the place of address; such extension, however, not to exceed thirty days in all.

SEC. 4. Section ten hundred and fifteen of said code is hereby amended to read as follows:

Service
on non-
resident.

1015. When a plaintiff or a defendant, who has appeared, resides out of the state, and has no attorney in the action or proceeding, the service may be made on the clerk for him. But in all cases where a party has an attorney in the action or proceeding, the service of papers, when required, must be upon the attorney instead of the party, except service of subpoenas, of writs, and other process issued in the suit, and of papers to

bring him into contempt. If the sole attorney for a party is removed or suspended from practice, then the party has no attorney within the meaning of this section. If his sole attorney has no known office in this state, notices and papers may be served by leaving a copy thereof with the clerk of the court, unless such attorney shall have filed in the cause an address of a place at which notices and papers may be served on him, in which event they may be served at such place.

CHAPTER 328.

An act to amend section one thousand and sixty-nine of the Code of Civil Procedure, relating to writs of review.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1069. The application must be made on the verified petition of the party beneficially interested, and the court may require a notice of the application to be given to the adverse party, or may grant an order to show cause why it should not be allowed, or may grant the writ without notice.

Applica-
tion for
certiorari,
how made.

CHAPTER 329.

An act to amend sections seven hundred and fifty-three, seven hundred and fifty-six, seven hundred and fifty-eight, seven hundred and fifty-nine, seven hundred and sixty-one, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and seventy-four, seven hundred and seventy-five, seven hundred and eighty-four, seven hundred and eighty-five, and seven hundred and ninety-nine, and to repeal sections seven hundred and ninety-five and seven hundred and ninety-seven of the Code of Civil Procedure, all relating to actions for the partition of real property.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven hundred and fifty-three of said code is hereby amended to read as follows:

753. The interests of all persons in the property, whether such persons are known or unknown, must be set forth in the complaint, as far as known to the plaintiff; and if one or more of the parties, or the share or quantity of interest of any of the

Interests of
all parties
must be set
forth in
complaint.

parties, is unknown to the plaintiff, or is uncertain or contingent, or the ownership of the inheritance depends upon an executory devise, or the remainder is a contingent remainder, so that such parties cannot be named, that fact must be set forth in the complaint.

SEC. 2. Section seven hundred and fifty-six of said code is hereby amended to read as follows:

Summons,
to whom
directed.

756. The summons must contain a description of the property sought to be partitioned, and must be directed to all of the persons named as defendants in the complaint, and when it shows that some person has or claims an interest in or lien upon the property whose name is unknown to the plaintiff, the summons must also be directed to all persons unknown who have or claim any interest in or lien upon the property.

SEC. 3. Section seven hundred and fifty-eight of said code is hereby amended to read as follows:

Answer of
defendant,
what
to contain.

758. If the defendant fails to answer within the time allowed by law, he is deemed to admit and adopt the allegations of the complaint. Otherwise, he must controvert such of the allegations of the complaint as he does not wish to be taken as admitted, and must set forth his estate or interest in the property, and if he claims a lien thereon must state the date and character of the lien and the amount remaining due, and whether he has any additional security therefor, and if so, its nature and extent, and if he fails to disclose such additional security, he must be deemed to have waived his lien on the property to be partitioned.

SEC. 4. Section seven hundred and fifty-nine of said code is hereby amended to read as follows:

Rights of
all parties
may be put
in issue.

759. The rights of the several parties, plaintiff as well as defendant, may be put in issue, tried, and determined in such action; and when a sale of the premises is necessary, the title must be ascertained by proof to the satisfaction of the court before the sale can be ordered; except that where there are several unknown persons having an interest in the property, their rights may be considered together in the action, and not as between themselves.

SEC. 5. Section seven hundred and sixty-one of said code is hereby amended to read as follows:

Rights of
lien-
holders:
appoint-
ment of
referee.

761. If it appears to the court that there are outstanding liens or incumbrances of record upon such real property, or any part thereof, which existed and were of record at the time of the commencement of the action, and the persons holding such liens are not made parties to the action, the court must either order such persons to be made parties to the action, by an amended or supplemental complaint, or appoint a referee to ascertain whether or not such liens or incumbrances have been paid, and if not paid, what amount remains due thereon, and their order among the liens or incumbrances severally held by such persons and the parties to the action, and whether the amount remaining due thereon has been secured in any manner, and if secured, the nature and extent of the security.

SEC. 6. Section seven hundred and sixty-three of said code is hereby amended to read as follows:

763. If it appears by the evidence, whether alleged in the complaint or not, that the property or any part of it is so situated that partition cannot be made without great prejudice to the owners, the court may order the sale thereof; otherwise, upon the requisite proofs being made, it must order a partition according to the respective rights of the parties as ascertained by the court, and appoint three referees therefor, and must designate the portion to remain undivided for the owners whose interests remain unknown, or are not ascertained; or the court, with the consent of the parties, may appoint one referee instead of three, and he, when thus appointed, has all the powers and may perform all the duties required of three referees. When the site of an incorporated city or town is included with[in] the exterior boundaries of the property to be partitioned, the court must direct the referees to survey and appraise the entire property to be partitioned by actual lots and subdivisions then existing in the actual possession of the several tenants in common, exclusive of the value of improvements thereon, first setting apart necessary portions of the property for ways, roads, and streets, as in section seven hundred and sixty-four provided, and to report such survey and separate appraisement on each lot and subdivision to the court. The court may confirm, change, modify, or set aside the report in whole or in part, and if necessary appoint new referees. When, after the final confirmation of the report of such survey and appraisement, it appears by evidence to the satisfaction of the court that an equitable partition of the whole property is impracticable, and a sale of the site of such city or town, or any portion thereof, will be for the best interests of the owners of the whole property, it must order a sale thereof; *provided*, that within sixty days thereafter any tenant in common, or tenants in common, having improvements erected on any town or city lot or subdivision included in such order of sale, shall have the prior right to purchase the same at such appraised valuation, and may pay into court the amount so appraised as the value thereof, and upon such payment the title shall vest in such purchaser or purchasers, and the court shall cause to be executed by such referees a deed for such lot or subdivision in fee and in severalty to such purchaser or purchasers; such further proceedings shall then be had as to the remainder of the property, and the money so paid to the court, as by this chapter provided. If, during the pendency of the action, any of the parties die, or become insane, or otherwise incompetent, the proceedings shall not for that cause be delayed or suspended, but the attorney who has appeared for such party may continue to represent such interest; and in case any such party has not appeared by an attorney, the court must appoint an attorney to represent the interest which was held by such party, until his heirs or legal representatives, or successors in

Court may order sale or partition.

When site of incorporated city is included.

Tenant in common: prior right to purchase.

interest, shall have appeared in the action; and an attorney so appointed must be allowed by the court a reasonable compensation for his services, which may be taxed as costs against the share or interest represented by such attorney, and may be adjudged a lien thereon, in the discretion of the court.

SEC. 7. Section seven hundred and sixty-four of said code is hereby amended to read as follows:

Partition
must be
according
to rights of
parties.

764. In making partition, the referees must divide the property, and allot the several portions thereof to the respective parties, quality and quantity relatively considered, according to the respective rights of the parties as determined by the court, pursuant to the provisions of this chapter, designating the several portions by proper landmarks, and may employ a surveyor with the necessary assistants to aid them. Before making partition or sale, the referees may, whenever it will be for the advantage of those interested, set apart a portion of the property for a way, road, or street, and the portion so set apart must not be assigned to any of the parties or sold, but must remain an open and public way, road, or street, unless the referees shall set the same apart as a private way for the use of the parties interested, or some of them, their heirs and assigns, in which case it shall remain such private way. Whenever the referees have laid out on any tract of land roads sufficient in the judgment of said referees to accommodate the public and private wants, they must report that fact to the court, and upon the confirmation of their report all other roads on said tract cease to be public highways. Whenever it appears, in an action for partition of lands, that one or more of the tenants in common, being the owner of an undivided interest in the tract of land sought to be partitioned, has sold to another person a specific tract by metes and bounds out of the common land, and executed to the purchaser a deed of conveyance, purporting to convey the whole title to such specific tract to the purchaser in fee and in severalty, the land described in such deed shall be allotted and set apart in partition to such purchaser, his heirs or assigns, or in such other manner as shall make such deed effectual as a conveyance of the whole title to such segregated parcel, if such tract or tracts of land can be so allotted or set apart without material injury of the rights and interests of the other co-tenants who may not have joined in such conveyance. In all cases it is the duty of the referees, in making partition of land, to allot the share of each of the parties owning an interest in the whole or in any part of the premises sought to be partitioned, and to locate the share of each co-tenant, so as to embrace as far as practicable the improvements made by such co-tenant upon the property, and the value of the improvements made by the tenants in common must be excluded from the valuation in making the allotments, and the land must be valued without regard to such improvements, in case the same can be done without material injury to the rights and interests of the other tenants in common owning such land.

Sale of
undivided
interests.

Allotment
of shares of
each party.

SEC. 8. Section seven hundred and sixty-five of said code is hereby amended to read as follows:

765. The referees must make a report of their proceedings, specifying therein the manner in which they executed their trust, and describing the property divided, and the shares allotted to each party, with a particular description of each share. Any party to the action, after giving at least ten days' notice in writing to the other parties who have appeared therein of his intention to do so, may move the court to confirm, change, modify, or set aside such report.

Report of referees.

SEC. 9. Section seven hundred and sixty-six of said code is hereby amended to read as follows:

766. The court may confirm, change, modify, or set aside the report, and if necessary, appoint new referees. Upon the report being confirmed, judgment must be rendered that such partition be effectual forever, which judgment is binding and conclusive:

Court may confirm or set aside report.

1. On all persons named as parties to the action, and their legal representatives, who have at the time any interest in the property divided, or any part thereof, as owners in fee or as tenants for life or for years, or as entitled to the reversion, remainder, or the inheritance of such property, or any part thereof, after the determination of a particular estate therein, and who by any contingency may be entitled to a beneficial interest in the property, or who have an interest in any undivided share thereof, as tenants for years or for life;

Upon whom judgment binding.

2. On all persons interested in the property, who may be unknown, to whom notice has been given of the action for partition by publication;

3. On all other persons claiming from such parties or persons, or either of them.

And no judgment is invalidated by reason of the death of any party before final judgment or decree; but such judgment or decree is as conclusive against the heirs, legal representatives, or assigns of such decedent, as if it had been entered before his death. If, during the pendency of the action, and before final judgment therein, any of the co-tenants has conveyed to another person his interest, or any part of his interest, such conveyance, whatever its form, shall be deemed to have passed to the grantee any lands which, after its execution, may have been set aside to the grantor in severalty, or such proportionate interest in such lands as the interest so conveyed bears to the whole interest of the grantor.

Not invalidated by death of any party.

SEC. 10. Section seven hundred and seventy-four of said code is hereby amended to read as follows:

774. When the proceeds of the sale of any share or parcel belonging to persons who are parties to the action, whether known or unknown, are paid into courts, the action may be continued as between such parties, for the determination of their respective claims thereto, which must be ascertained and adjudged by the court. Further testimony may be taken in court, or by a referee, at the discretion of the court,

When proceeds of sale are paid into court.

and the court may, if necessary, require such parties to present the facts or law in controversy, by pleadings, as in an original action.

SEC. 11. Section seven hundred and seventy-five of said code is hereby amended to read as follows:

Referees' sales must be at public auction.

775. All sales of real property, made by referees under this chapter, must be made at public auction to the highest bidder, upon notice given in the manner required for the sale of real property on execution. The notice must state the terms of sale, and if the property, or any part of it, is to be sold subject to a prior estate, charge, or lien, that must be stated in the notice.

SEC. 12. Section seven hundred and eighty-four of said code is hereby amended to read as follows:

Referee must report sale to court.

784. After completing a sale of the property, or any part thereof, ordered to be sold, the referees must report the same to the court, with a description of the different parcels of land sold to each purchaser; the name of the purchaser; the price paid or secured; the terms and conditions of the sale, and the securities, if any, taken. The report must be filed in the office of the clerk of the county where the property is situated. Thereafter any purchaser, or any party to the action, may, upon ten days' notice to the other parties who have appeared therein, and also to the purchaser if he be not the moving party, move the court to confirm or set aside any sale or sales so reported.

SEC. 13. Section seven hundred and eighty-five of said code is hereby amended to read as follows:

Referees to execute conveyances.

785. If the sale is confirmed by the court, an order must be entered, directing the referees to execute conveyances and take securities pursuant to such sale, which they are hereby authorized to do. Such order may also give directions to them respecting the disposition of the proceeds of the sale. If the purchaser, after the confirmation of the sale, refuses to pay the amount of his bid, the referees may again sell the property at any time to the highest bidder, and if any loss is occasioned thereby the referees may recover the amount of such loss and the cost from the bidder so refusing, or the referees, without making a resale, may maintain an action against the purchaser for the amount of his bid.

Sec. 795 repealed.

SEC. 14. Section seven hundred and ninety-five of said code is hereby repealed.

Sec. 797 repealed.

SEC. 15. Section seven hundred and ninety-seven of said code is hereby repealed.

SEC. 16. Section seven hundred and ninety-nine of said code is hereby amended to read as follows:

Plaintiff may procure abstract of title.

799. If it is necessary to have an abstract of title of the property to be partitioned, the plaintiff may procure one before commencing the action, and may, in his complaint, state that he has done so, and that the abstract is subject to the inspection and use of all the parties to the action, designating a place where it will be kept for such inspection. Otherwise the court may, upon application of any one of the parties, authorize him

to procure an abstract, which, when made, shall be kept at some place designated by the court for the inspection and use of all parties, any of whom is entitled to make a copy thereof. The expense reasonably incurred in procuring such abstract must be allowed to the party incurring it, with interest thereon from the commencement of the action, if it had been procured before that time, otherwise from the time of payment.

CHAPTER 330.

An act amending an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law under constitutional provision, without governor's approval, February 25, 1901, by amending sections 2, 5, 7 and 9 thereof.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

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

Incurring indebtedness by municipal corporations, procedure.

Special election.

What ordinance shall recite.

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

Rate of interest.

SEC. 2. That section five of the aforesaid act be amended so as to read as follows:

Municipal bonds, how payable.

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

Denominations of.

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 the bonds.

Signatures
of officers.

SEC. 3. That section seven of the aforesaid act be amended so as to read as follows:

Section 7. The legislative branch of said city, town or municipality shall at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of said city, town or municipality set apart for that 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, and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. *Provided, however,* that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the time and in the same manner as other municipal taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Tax levy to
pay bonds.

Sinking
fund.

SEC. 4. That section nine of the aforesaid act be amended so as to read as follows:

Section 9. All contracts for the construction or completion of any public work or improvement or for furnishing labor or materials therefor, as herein provided, shall be let to the lowest responsible bidder. The legislative branch of the municipality shall advertise for at least ten days in one or more newspapers published in the municipality, inviting sealed proposals for furnishing the labor and materials for the proposed work or improvement before any contract shall be made therefor. The said legislative branch shall have the right to require such bonds as they may deem best from the successful bidder to insure the faithful performance of the contract work, 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 or improvements, and employing the labor necessary therefor; *and provided further,* that, in cities, towns or municipalities operating under a charter, heretofore or hereafter framed under section 8 of article 11 of the constitution and providing for a board of public works all the matters and things required in this section to be done and

Contracts.

Bonds of
con-
tractors.

Charters to
govern.

performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town or municipality, 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.

Issue of
bonds
prior to
this act.

SEC. 5. That nothing in this act contained shall be construed as affecting the issue or sale of bonds in pursuance of proceedings begun prior to the taking effect of this act and under the provisions of the act amended hereby.

SEC. 6. This act shall take effect immediately.

CHAPTER 331.

An act to amend the Political Code, by adding thereto a new section to be numbered 419a.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered 419a, to read as follows:

Salary and
duties of
stat-
istician.

419a. The statistician provided for in section 415, of the Political Code, shall perform such special duties as shall be assigned to him by the secretary of state, and shall receive an annual salary of twenty-four hundred dollars, to be paid in the same manner and at the same time as other state officers.

SEC. 2. This act shall take effect immediately.

CHAPTER 332.

An act making an appropriation for searching for beneficial insects.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Searching
for
beneficial
insects,
appropri-
ation.

SECTION 1. There is hereby appropriated out of any money not otherwise appropriated the sum of twelve thousand (\$12,000) dollars, to be used by the state commissioner of horticulture of California for searching for, securing, introducing, propagating and distributing beneficial insects, and for the purpose of constructing suitable structures and acquiring necessary appliances to carry on such work.

SEC. 2. The state controller is hereby authorized to draw warrants from time to time at the request of the governor and in favor of the state commissioner of horticulture to enable said commissioner to make or have made such researches as he may deem necessary.

SEC. 3. The state commissioner of horticulture is hereby required to furnish the state board of examiners with an itemized account of all money expended by him under this act. Account of expenses.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 333.

An act to amend sections 227, 228, and 229 of the Political Code, and to repeal section 230 thereof, relating to the election of members of the legislature.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

227. At the general election in the year nineteen hundred and eight, and every four years thereafter, a senator shall be elected in each odd-numbered senatorial district constituted in section seventy-eight of this code. At the general election in the year nineteen hundred and ten, and every four years thereafter, a senator shall be elected in each even-numbered district constituted in section seventy-eight of this code. Election of senators.

SEC. 2. Section two hundred and twenty-eight of the Political Code is hereby amended to read as follows:

228. At the general election in the year nineteen hundred and eight and every two years thereafter, a member of the assembly shall be elected in each of the assembly districts constituted by section ninety of this code. Election of assembly-men.

SEC. 3. Section two hundred and twenty-nine of the Political Code is hereby amended to read as follows:

229. Neither boards of supervisors, municipal officers, nor any other officer or officers, shall have the power to alter the boundaries of any township, ward, election precinct, or other local subdivision, of any county, city and county, city, or town, so as to change the boundaries of any senatorial or assembly district as constituted and defined in Chapter II of Title I of Part II of this code. Change of precinct boundaries.

SEC. 4. Section two hundred and thirty of the Political Code is hereby repealed. Sec. 230 repealed.

CHAPTER 334.

An act to repeal Title I of Part II of the Political Code, and to substitute therefor a new title, to be known as Title I of Part II of said code, relating to the chief political divisions of the state.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Title I of Part II of the Political Code, and each and every chapter and section in said title contained, are hereby repealed.

SEC. 2. A new title is hereby added to the Political Code in lieu of the title hereby repealed, to be known as Title I of Part II of said code, and to read as follows:

TITLE I.

CHIEF POLITICAL DIVISIONS OF THE STATE.

- Chapter I. Counties.
 II. State Legislative Districts.
 III. Congressional Districts.
 IV. Equalization Districts.
 V. Railroad Districts.
 VI. Judicial Districts.

CHAPTER I.

DIVISION OF STATE INTO COUNTIES.

Section 75. Counties.

Division of
state into
counties.

75. The state is divided into counties; the names, boundaries and territorial subdivisions thereof are as declared in Part IV of this code.

CHAPTER II.

STATE LEGISLATIVE DISTRICTS.

- Article I. Senatorial districts.
 II. Assembly districts.

ARTICLE I.

Section 78. Senatorial districts.

Senatorial
districts.

78. The state is divided into forty senatorial districts, which shall be designated and constituted as follows:

First.

1. The counties of Del Norte, Humboldt, Trinity and Tehama shall constitute the first senatorial district.

Second.

2. The counties of Modoc, Lassen, Siskiyou and Shasta shall constitute the second senatorial district.

Third.

3. The counties of Plumas, Sierra, Nevada and Placer shall constitute the third senatorial district.

Fourth.

4. The counties of Mendocino, Glenn, Colusa and Lake shall constitute the fourth senatorial district.

5. The counties of Napa and Solano shall constitute the fifth senatorial district. Fifth.

6. The counties of Butte, Yuba, Sutter and Yolo shall constitute the sixth senatorial district. Sixth.

7. The county of Sacramento shall constitute the seventh senatorial district. Seventh.

8. The county of Sonoma shall constitute the eighth senatorial district. Eighth.

9. The counties of Marin and Contra Costa shall constitute the ninth senatorial district. Ninth.

10. The counties of El Dorado, Amador, Calaveras, Alpine and Mono shall constitute the tenth senatorial district. Tenth.

11. The county of San Joaquin shall constitute the eleventh senatorial district. Eleventh.

12. The counties of Tuolumne, Mariposa, Madera, Stanislaus and Merced shall constitute the twelfth senatorial district. Twelfth.

13. All that portion of the county of Alameda comprising the townships of Washington, Murray, and Eden shall constitute the thirteenth senatorial district. Thirteenth.

14. All that portion of the county of Alameda comprising the township of Alameda, all that portion of Brooklyn township lying outside of the city of Oakland, and all that portion of Brooklyn township lying within the city of Oakland lying south of East Fourteenth street shall constitute the fourteenth senatorial district. Fourteenth.

15. All that portion of Alameda county comprising all that portion of Brooklyn township not contained in the fourteenth senatorial district as set forth in this act, and all that further portion of the county of Alameda bounded as follows: Commencing at a point on the western boundary of Brooklyn township at a point where said boundary line is intersected by Thirteenth street, thence along the center of the following named streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to San Pablo avenue, San Pablo avenue to Adeline, Adeline to Parker, Parker to Grant, Grant to the northerly boundary line of the city of Berkeley; thence easterly along said northerly boundary line of the city of Berkeley to the boundary line of the county of Alameda; thence easterly and southerly along said boundary line of the county of Alameda to a point where intersected by the westerly boundary line of Brooklyn township; thence southerly and westerly along said boundary line of Brooklyn township to the point of beginning shall constitute the fifteenth senatorial district. Fifteenth.

16. All that portion of the county of Alameda bounded as follows: Commencing at a point on the westerly boundary line of Brooklyn township where intersected by Thirteenth street extended; thence along the center of the following streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to San Pablo avenue, San Pablo avenue to Adeline, Adeline to Parker, Parker to Grant, Grant to the northerly boundary line of the city of Berkeley; thence easterly along said northerly boundary line of the city of Berkeley to Sixteenth.

- enatorial
districts. the intersection of the northerly boundary line of the county of Alameda; thence northerly and westerly along said northerly boundary line of Alameda county to the intersection of the westerly boundary line of the county of Alameda; thence southerly along said westerly boundary line of Alameda county to the southerly boundary line of the city of Oakland, in Oakland creek; thence easterly along southerly boundary line of the city of Oakland, in said creek, to the point of intersection of the boundary line between the sixth and seventh wards of the city of Oakland; thence northerly along said line to the point of beginning shall constitute the sixteenth senatorial district.
- Seventeenth. 17. All that portion of the city and county of San Francisco comprised within the boundaries of the twenty-eighth and twenty-ninth assembly districts, as fixed and described in this act, shall constitute the seventeenth senatorial district.
- Eighteenth. 18. All that portion of the city and county of San Francisco comprised within the boundaries of the thirty-first and thirty-sixth assembly districts, as fixed and described in this chapter, shall constitute the eighteenth senatorial district.
- Nineteenth. 19. All that portion of the city and county of San Francisco comprised within the boundaries of the thirty-second and thirty-fifth assembly districts, as fixed and described in this chapter, shall constitute the nineteenth senatorial district.
- Twentieth. 20. All that portion of the city and county of San Francisco comprised within the boundaries of the thirty-third and thirty-fourth assembly districts, as fixed and described in this chapter, shall constitute the twentieth senatorial district.
- Twenty-first. 21. All that portion of the city and county of San Francisco comprised within the boundaries of the thirty-seventh and thirty-eighth assembly districts, as fixed and described in this chapter, shall constitute the twenty-first senatorial district.
- Twenty-second. 22. All that portion of the city and county of San Francisco comprised within the boundaries of the thirty-ninth and fortieth assembly districts, as fixed and described in this chapter, shall constitute the twenty-second senatorial district.
- Twenty-third. 23. All that portion of the city and county of San Francisco comprised within the boundaries of the thirtieth and forty-second assembly districts, as fixed and described in this chapter, shall constitute the twenty-third senatorial district.
- Twenty-fourth. 24. All that portion of the city and county of San Francisco comprised within the boundaries of the forty-third and forty-fourth assembly districts, as fixed and described in this chapter, shall constitute the twenty-fourth senatorial district.
- Twenty-fifth. 25. All that portion of the city and county of San Francisco comprised within the boundaries of the forty-first and forty-fifth assembly districts, as fixed and described in this chapter, shall constitute the twenty-fifth senatorial district.
- Twenty-sixth. 26. The county of Fresno shall constitute the twenty-sixth senatorial district.
- Twenty-seventh. 27. All that portion of the county of Santa Clara not included in the twenty-eighth senatorial district shall constitute the twenty-seventh senatorial district.

28. All that portion of the county of Santa Clara embraced in the precincts of Agnews, Alviso, Berryessa, Cupertino, Hester, Jefferson, Mountain View number one, Mountain View number two, Mayfield number one, Mayfield number two, Milpitas, Orchard, Palo Alto, Saratoga, University, and the first, second, and fourth wards of the city of San José, shall constitute the twenty-eighth senatorial district.

Senatorial districts.
Twenty-eighth.

29. The counties of San Mateo and Santa Cruz shall constitute the twenty-ninth senatorial district.

Twenty-ninth.

30. The counties of San Bernardino and Inyo shall constitute the thirtieth senatorial district.

Thirtieth.

31. The counties of Monterey, San Benito, and San Luis Obispo shall constitute the thirty-first senatorial district.

Thirty-first.

32. The counties of Kern, Tulare, and Kings shall constitute the thirty-second senatorial district.

Thirty-second.

33. The counties of Santa Barbara and Ventura shall constitute the thirty-third senatorial district.

Thirty-third.

34. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Catalina, San Pedro numbers one, two, and three, Wilmington, Compton numbers one and two, Florence, Redondo City, Wiseburn, Gardena, Hyde Park, Ballona, Santa Monica City numbers one, two, and three, San Vicente, National Military Home numbers one, two, three, four, and five, Monte Vista, Cahuenga, and Los Angeles city precincts numbered seventy, seventy-one, seventy-two *a*, seventy-two *b*, seventy-three *a*, seventy-three *b*, seventy-four, seventy-five, seventy-six, seventy-seven, Calabasas, Lankershim, Chatsworth, San Fernando, Acton, Newhall, La Liebre, Del Sur; Lancaster, Palmdale, Llano, La Cañada, Burbank, and Glendale shall constitute the thirty-fourth senatorial district.

Thirty-fourth.

35. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Pomona numbers one, two, three, four, and five, Claremont, Lordsburg, Spadra, Glendora, Azusa, Azusa City, Rowland, Covina, El Monte, Monrovia, Duarte, Rivera, Los Nietos, Whittier, East Whittier, North Pasadena numbers one and two, Lamanda, Sierra Madre, San Gabriel, Alhambra, Fruitland, Downey numbers one and two, Norwalk, Artesia, Clearwater, Cerritos, Long Beach City numbers one and two, and Terminal shall constitute the thirty-fifth senatorial district.

Thirty-fifth.

36. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city number fifty-seven *a*, fifty-seven *b*, fifty-eight *a*, fifty-eight *b*, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four *a*, sixty-four *b*, sixty-five, sixty-six, sixty-seven, sixty-eight, one, two, three *a*, three *b*, four, five, six, Garvanza, Pasadena numbers one, two, three, four, five, six, seven, and eight, and South Pasadena shall constitute the thirty-sixth senatorial district.

Thirty-sixth.

37. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers seven, eight, nine,

Thirty-seventh.

Senatorial districts. ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, sixty-nine, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four *a*, and thirty-four *b* shall constitute the thirty-seventh senatorial district.

Thirty-eighth. 38. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers thirty-five *a*, thirty-five *b*, thirty-six, thirty-two, thirty-one, thirty-seven, thirty-eight *a*, thirty-eight *b*, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four *a*, forty-four *b*, forty-five *a*, forty-five *b*, forty-six, forty-seven, forty-eight *a*, forty-eight *b*, forty-nine *a*, forty-nine *b*, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, and fifty-six shall constitute the thirty-eighth senatorial district.

Thirty-ninth. 39. The counties of Orange and Riverside shall constitute the thirty-ninth senatorial district.

Fortieth. 40. The county of San Diego shall constitute the fortieth senatorial district.

ARTICLE II.

Section 90. Assembly districts.

Assembly districts. 90. The state is divided into eighty assembly districts, which shall be designated and constituted as follows:

First. 1. The counties of Del Norte, Siskiyou, and Trinity shall constitute the first assembly district.

Second. 2. All that portion of the county of Humboldt, comprising the townships of Orleans, Klamath, Trinidad, Mad River, Union, Eureka, and Bucksport shall constitute the second assembly district.

Third. 3. All that portion of the county of Humboldt not embraced in the second district shall constitute the third assembly district.

Fourth. 4. The counties of Shasta, Modoc, and Lassen shall constitute the fourth assembly district.

Fifth. 5. The counties of Tehama, Plumas, and Sierra shall constitute the fifth assembly district.

Sixth. 6. The county of Mendocino shall constitute the sixth assembly district.

Seventh. 7. The county of Butte shall constitute the seventh assembly district.

Eighth. 8. The counties of Yuba and Sutter shall constitute the eighth assembly district.

Ninth. 9. The county of Nevada shall constitute the ninth assembly district.

Tenth. 10. The counties of Placer and El Dorado shall constitute the tenth assembly district.

Eleventh. 11. The counties of Amador, Calaveras, Alpine, and Mono shall constitute the eleventh assembly district.

Twelfth. 12. The counties of Glenn, Colusa, and Lake shall constitute the twelfth assembly district.

Thirteenth. 13. All that portion of the county of Sonoma comprising the townships of Analy, Bodega, Mendocino, Ocean, Peta-

luma, Redwood, Salt Point, and Vallejo shall constitute the thirteenth assembly district. Assembly districts.

14. All that portion of the county of Sonoma not included in the thirteenth district shall constitute the fourteenth assembly district. Fourteenth.

15. The county of Napa shall constitute the fifteenth assembly district. Fifteenth.

16. The county of Yolo shall constitute the sixteenth assembly district. Sixteenth.

17. All that portion of the county of Sacramento composed of that part of the city of Sacramento lying north of the center of K street of said city shall constitute the seventeenth assembly district. Seventeenth.

18. All that portion of the county of Sacramento composed of that part of the city of Sacramento lying south of the center of K street of said city shall constitute the eighteenth assembly district. Eighteenth.

19. All that portion of the county of Sacramento not included in the seventeenth and eighteenth districts shall constitute the nineteenth assembly district. Nineteenth.

20. The county of Solano shall constitute the twentieth assembly district. Twentieth.

21. The county of Marin shall constitute the twenty-first assembly district. Twenty-first.

22. The county of Contra Costa shall constitute the twenty-second assembly district. Twenty-second.

23. All that portion of the county of San Joaquin comprising the city of Stockton shall constitute the twenty-third assembly district. Twenty-third.

24. All that portion of the county of San Joaquin not included in the twenty-third district shall constitute the twenty-fourth assembly district. Twenty-fourth.

25. The counties of Stanislaus, Merced, and Madera shall constitute the twenty-fifth assembly district. Twenty-fifth.

26. The counties of Tuolumne and Mariposa shall constitute the twenty-sixth assembly district. Twenty-sixth.

27. The counties of Tulare and Inyo shall constitute the twenty-seventh assembly district. Twenty-seventh.

28. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center of the line of Market street intersects the bay of San Francisco, continuing thence along the center of the following named streets: Market to Fourth, Fourth to Folsom, Folsom to Third, Third to Bryant, Bryant to the waters of the bay of San Francisco, thence along the shore to Market street, the place of beginning, shall constitute the twenty-eighth assembly district. Twenty-eighth.

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Fourth and Market streets, continuing thence along the center of the following named streets: Market to Seventh, Seventh to Mission, Mission to Sixth, Sixth to Bryant, Bryant to Third, Third to Folsom, Folsom to Fourth, Fourth to Market, the Twenty-ninth.

Assembly districts. place of beginning, shall constitute the twenty-ninth assembly district.

Thirtieth. 30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Seventh and Market streets, continuing thence along the center of the following named streets: Market to Tenth, Tenth to Howard, Howard to Eleventh, Eleventh to Bryant, Bryant to Sixth, Sixth to Mission, Mission to Seventh, along Seventh to Market, the place of beginning, shall constitute the thirtieth assembly district.

Thirty-first. 31. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center of the line of Bryant street intersects with the bay of San Francisco, continuing thence along the center of the following named streets: Bryant to Eleventh, Eleventh to Howard, Howard to Twentieth, Twentieth to the waters of the bay of San Francisco, thence along the shore to Bryant, the place of beginning, shall constitute the thirty-first assembly district.

Thirty-second. 32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center of the line of Twentieth street intersects the bay of San Francisco, continuing thence along the center of the following named streets: Twentieth to Howard, Howard to Army, Army to San Bruno avenue, thence along San Bruno avenue and Milliken street to its intersection with the boundary line dividing the counties of San Francisco and San Mateo, thence along said boundary line to the intersection of the waters of the bay of San Francisco, thence along the shore of said bay to Twentieth street, the place of beginning, shall constitute the thirty-second assembly district.

Thirty-third. 33. All that portion of the city and county of San Francisco bounded as follows: Commencing at a point of intersection of the center of Guerrero and Army streets, continuing thence along the center of the following named streets: Army to San Bruno avenue, thence along San Bruno avenue and Milliken street to its intersection with the boundary line dividing the counties of San Francisco and San Mateo, thence along said boundary line to the intersection of the waters of the Pacific ocean, thence along the shore of said ocean, northerly to Ocean avenue, thence along Ocean avenue to Corbett avenue, thence along Corbett avenue to Fowler avenue, Fowler avenue to Twenty-eighth street, Twenty-eighth to Guerrero, along Guerrero to Army, the point of beginning, shall constitute the thirty-third assembly district.

Thirty-fourth. 34. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of the center of Guerrero and Army streets, continuing thence along the center of the following named streets: Army to Church, Church to Thirteenth, Thirteenth to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton and Ashbury streets to Clarendon avenue, thence along Clarendon avenue to Lincoln avenue, thence along Lincoln

avenue to Clipper street, Clipper street to a point where the center of Fowler avenue, if extended, would intersect the center of Clipper street, thence along Fowler avenue to Twenty-eighth, Twenty-eighth to Guerrero, Guerrero to Army, the place of beginning, shall constitute the thirty-fourth assembly district.

Assembly
districts.

35. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Howard and Seventeenth streets, continuing thence along the center of the following named streets: Seventeenth to Church, Church to Army, Army to Howard, Howard to Seventeenth, the place of beginning, shall constitute the thirty-fifth assembly district.

Thirty-
fifth.

36. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Polk streets, continuing thence along the center of the following named streets: Polk to Grove, Grove to Octavia, Octavia to Market, Market to Thirteenth, Thirteenth to Church, Church to Seventeenth, Seventeenth to Howard, Howard to Tenth, Tenth to the intersection of Market and Polk, the place of beginning, shall constitute the thirty-sixth assembly district.

Thirty-
sixth.

37. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Octavia streets, continuing thence along the center of the following named streets: Octavia to Fulton, Fulton to Stanyan, Stanyan to Frederick, Frederick to Buena Vista avenue, thence along Buena Vista avenue to Thirteenth, Thirteenth to Market, Market to Octavia, the place of beginning, shall constitute the thirty-seventh assembly district.

Thirty-
seventh.

38. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Van Ness avenue and Geary street, continuing thence along the center of the following named streets: Geary and Point Lobos avenue to Masonic avenue, Masonic avenue to Fulton, Fulton to Octavia, Octavia to Grove, Grove to Van Ness avenue, Van Ness avenue to Geary, the place of beginning, shall constitute the thirty-eighth assembly district.

Thirty-
eighth.

39. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Lyon street with the waters of the bay of San Francisco, continuing thence along the center of the following named streets: Lyon to Washington, Washington to Baker, Baker to Geary, Geary and Point Lobos avenue to Masonic avenue, Masonic avenue to Fulton, Fulton to Stanyan, Stanyan to Frederick, Frederick to Clayton, Clayton and Ashbury streets to Clarendon avenue, thence along Clarendon avenue to Lincoln avenue, thence along Lincoln avenue to Clipper, Clipper to a point where the center of Fowler avenue, if extended, would intersect the center of Clipper street, thence along the line of Fowler avenue to Corbett avenue, thence along Corbett avenue to Ocean avenue, thence along Ocean avenue to the waters of the Pacific ocean, thence along the shore of said ocean and the said bay to Lyon street, the place of beginning, together with the islands known as the Farallon islands, shall constitute the thirty-ninth assembly district.

Thirty-
ninth.

- Assembly districts. 40. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Van Ness avenue and Washington street, continuing thence along the center of the following named streets: Washington to Baker, Baker to Geary, Geary to Van Ness avenue, Van Ness avenue to Washington, the place of beginning, shall constitute the fortieth assembly district.
- Fortieth. 41. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Jones street with the waters of the bay of San Francisco, continuing thence along the center of the following named streets: Jones to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Washington, Washington to Lyon, Lyon to the waters of said bay, thence along the shore to Jones street, the place of beginning, shall constitute the forty-first assembly district.
- Forty-first. 42. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Polk streets, continuing thence along the center of the following named streets: Polk to Grove, Grove to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Hyde, Hyde to Ellis, Ellis to Jones, Jones to Market, Market to Polk, the place of beginning, shall constitute the forty-second assembly district.
- Forty-second. 43. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Jones streets, continuing thence along the center of the following named streets: Jones to Ellis, Ellis to Hyde, Hyde to Broadway, Broadway to Mason, Mason to Market, Market to Jones, the place of beginning, shall constitute the forty-third assembly district.
- Forty-third. 44. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Mason streets, continuing thence along the center of the following named streets: Mason to Broadway, Broadway to the waters of the bay of San Francisco, thence along the shore of said bay to Market street, thence along Market street to Mason, the place of beginning, shall constitute the forty-fourth assembly district.
- Forty-fourth. 45. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Jones street with the waters of the bay of San Francisco, continuing thence along the center of the following named streets: Jones to Broadway, Broadway to the waters of the bay of San Francisco, thence along the shore of said bay to Jones street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein, situate within the boundaries of the city and county of San Francisco, shall constitute the forty-fifth assembly district.
- Forty-fifth. 46. All that portion of the county of Alameda comprising the townships of Murray, Washington, and Eden shall constitute the forty-sixth assembly district.
- Forty-sixth. 47. All that portion of the county of Alameda comprising the township of Alameda shall constitute the forty-seventh assembly district.
- Forty-seventh.

48. All that portion of the county of Alameda comprising that portion of the city of Oakland bounded as follows: Commencing at a point on the westerly line of Brooklyn township, where the same is intersected by Thirteenth street extended, continuing thence along the center of the following named streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to Twelfth, Twelfth to Adeline, Adeline to the shore line of Oakland creek, and thence extended to the boundary line of said city of Oakland in said creek, thence along said boundary line in said creek to the intersection of said boundary line with the boundary line between the sixth and seventh wards of said city of Oakland, and thence along said last mentioned boundary line to the place of beginning, shall constitute the forty-eighth assembly district.

49. All that portion of the county of Alameda comprising all that portion of the city of Oakland bounded as follows: Commencing at a point on the southerly boundary line of the city of Oakland in Oakland creek, where said boundary line is intersected by Adeline street extended, and thence along the line of the center of the following named streets: Adeline to Twelfth, Twelfth to Market, Market to San Pablo avenue, San Pablo avenue to Adeline street, Adeline street to the point of intersection of Adeline street with the northern boundary line of the town of Emeryville, thence by runs and courses westerly and northerly in the direction of and following the line of the boundary of the town of Emeryville to the point of intersection of the said boundary line with the westerly boundary line of the county of Alameda, thence southerly along said westerly boundary line of the county of Alameda to the intersection of the southerly boundary line of the city of Oakland, thence easterly along said last mentioned line to the point of beginning, shall constitute the forty-ninth assembly district.

50. All that portion of the county of Alameda comprising all that portion of the city of Oakland, bounded as follows: Commencing at a point on the westerly line of Brooklyn township where the same is intersected by Thirteenth street extended, and thence along the center of the following named streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to San Pablo avenue, San Pablo avenue to Adeline street, Adeline street to a point where the same crosses Temescal creek, thence easterly by meanders to a point where the same is crossed by Shattuck avenue, thence southerly to Forty-fifth street, Forty-fifth to Broadway, thence northerly along Broadway to the boundary line of the city of Oakland, thence southerly and easterly by meanders along said boundary line to the point of intersection with Brooklyn township, thence southerly and westerly by meanders along the westerly boundary line of Brooklyn township to the point of beginning, shall constitute the fiftieth assembly district.

51. All that portion of the county of Alameda comprising the township of Brooklyn shall constitute the fifty-first assembly district.

- Assembly districts. 52. All that portion of Alameda county bounded as follows: Commencing at the point where the southerly line of the town of Berkeley intersects the westerly boundary line of the county of Alameda, thence easterly along said southerly line of the city of Berkeley to the easterly boundary line of the town of Emeryville, thence southerly and along the boundary line between the town of Emeryville and the city of Oakland to the point where Adeline street intersects said boundary line, thence easterly along the line of Temescal creek to Shattuck avenue, thence southerly along the center line of Shattuck avenue to Forty-fifth street, thence easterly along the center line of Forty-fifth street to Broadway, thence along the center line of Broadway to its intersection with the boundary line of the city of Oakland, thence southerly and easterly along said boundary line to the point of intersection with the westerly boundary line of Brooklyn township, thence in a general direction northerly by runs and courses along the boundary line of Brooklyn township to the point where it intersects the boundary line of Alameda county, thence westerly by runs and courses along the said boundary line of Alameda county, and southerly along said westerly boundary line of Alameda county to the point of beginning, shall constitute the fifty-second assembly district.
- Fifty-third. 53. The county of San Mateo shall constitute the fifty-third assembly district.
- Fifty-fourth. 54. The county of Santa Cruz shall constitute the fifty-fourth assembly district.
- Fifty-fifth. 55. All that portion of the county of Santa Clara comprised in the precincts of Alma, Almaden, Berryessa, Burnett, East San José, Evergreen, Gilroy number one, Gilroy number two, Guadalupe, Highland, Las Animas, Llagas, Morgan Hill, Mount Hamilton, Pioneer, Rucker, San Felipe, Solis, Union, Uvas, Vineland, Los Gatos number one, Los Gatos number two, Wrights, San Ysidro, and the third ward of the city of San José, shall constitute the fifty-fifth assembly district.
- Fifty-sixth. 56. All that portion of the county of Santa Clara comprised in the precincts of Alameda, Crandallville, University, Gardner, Cottage Grove, Franklin, Oak Grove, Robertsville, Willow Glen, Campbell, Moreland, Santa Clara number one, Santa Clara number two, Santa Clara number three, Jefferson, Cupertino, Saratoga, and the fourth ward of San José, shall constitute the fifty-sixth assembly district.
- Fifty-seventh. 57. All that portion of the county of Santa Clara not included in the fifty-fifth and fifty-sixth districts shall constitute the fifty-seventh assembly district.
- Fifty-eighth. 58. The county of San Benito shall constitute the fifty-eighth assembly district.
- Fifty-ninth. 59. The county of Monterey shall constitute the fifty-ninth assembly district.
- Sixtieth. 60. All that portion of the county of Fresno comprising the precincts of Black Mountain, Bryant, Cantua, Crescent, Chicago, Central Colony, Collis, Firebaugh, Fresno Colony, Fresno number five, Fresno number six, Fresno number seven,

Fresno number eight, Fresno number nine, Fresno number ten, Fowler number one, Fowler number two, Gill, Huron, Kingston, Kingsburg, Liberty, Lake, Lewis Creek, Madison, New Hope, Oleander, Panoche, Pleasant Valley, Sycamore, Selma number one, Selma number two, Terry, White's Bridge, Warthan, West Park, Washington Colony, and Wild Flower, shall constitute the sixtieth assembly district. Assembly districts.

61. All that portion of the county of Fresno not included in the sixtieth district shall constitute the sixty-first assembly district. Sixty-first.

62. The county of Kings shall constitute the sixty-second assembly district. Sixty-second.

63. The county of San Luis Obispo shall constitute the sixty-third assembly district. Sixty-third.

64. The county of Santa Barbara shall constitute the sixty-fourth assembly district. Sixty-fourth.

65. The county of Ventura shall constitute the sixty-fifth assembly district. Sixty-fifth.

66. The county of Kern shall constitute the sixty-sixth assembly district. Sixty-sixth.

67. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: San Vicente, Calabasas, Chatsworth, San Fernando, Lankershim, Burbank, Glendale, Garvanza, La Cañada, Newhall, Acton, La Liebre, Del Sur, Lancaster, Palmdale, Llano, Pasadena numbers one, two, three, four, five, six, seven, and eight shall constitute the sixty-seventh assembly district. Sixty-seventh.

68. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Pomona city numbers one, two, three, four, and five, Claremont, Lordsburg, Spadra, Glendora, Azusa City, Azusa, Covina, Rowland, El Monte, Monrovia, Duarte, Rivera, Los Nietos, Whittier, and East Whittier shall constitute the sixty-eighth assembly district. Sixty-eighth.

69. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers sixty-four *a*, sixty-four *b*, sixty-five, sixty-six, sixty-seven, and sixty-eight, Alhambra, San Gabriel, South Pasadena, Sierra Madre, Lamanda, North Pasadena numbers one and two, Fruitland, Downey numbers one and two, Norwalk, Artesia, Clearwater, Cerritos, Long Beach city numbers one and two, and Terminal shall constitute the sixty-ninth assembly district. Sixty-ninth.

70. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Catalina, Santa Monica city numbers one, two, and three, Ballona, Hyde Park, Gardena, Wiseburn, Redondo City, Wilmington, San Pedro numbers one, two and three, Compton numbers one and two, Florence, Los Angeles city numbers seventy-two *a*, seventy-two *b*, seventy-three *a*, seventy-three *b*, seventy-four, seventy-five, seventy-six and seventy-seven shall constitute the seventieth assembly district. Seventieth.

Assembly
districts.

Seventy-
first.

71. All that portion of the county of Los Angeles included in and comprising the following election precincts and parts of precincts of nineteen hundred, to wit: Los Angeles city numbers thirty-seven, thirty-eight *a*, thirty-eight *b*, thirty-nine, forty, forty-one, forty-five *a*, forty-five *b*, forty-six, all that portion of numbers fifty and fifty-one between Alameda street and the center of Los Angeles river, same being north of Ninth street, fifty-six, fifty-five, and fifty-four shall constitute the seventy-first assembly district.

Seventy-
second.

72. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers forty-four *a*, forty-four *b*, forty-three, forty-two, thirty-one, thirty-two, thirty-six, thirty-five *a*, thirty-five *b*, seventy, and seventy-one shall constitute the seventy-second assembly district.

Seventy-
third.

73. All that portion of the county of Los Angeles included in and comprising the following election precincts and parts of election precincts of nineteen hundred, to wit: Los Angeles city numbers forty-seven, forty-eight *a*, forty-eight *b*, forty-nine *a*, forty-nine *b*, all that part of fifty and fifty-one between Alameda street and Central avenue, Third and Ninth streets, fifty-two, fifty-three, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four *a*, thirty-four *b* shall constitute the seventy-third assembly district.

Seventy-
fourth.

74. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers one, two, three *a*, three *b*, four, five, six, fifty-seven *a*, fifty-seven *b*, fifty-eight *a*, fifty-eight *b*, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, seven, eight, Cahuenga, Monte Vista, National Military Home numbers one, two, three, four, and five shall constitute the seventy-fourth assembly district.

Seventy-
fifth.

75. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and sixty-nine shall constitute the seventy-fifth assembly district.

Seventy-
sixth.

76. The county of San Bernardino shall constitute the seventy-sixth assembly district.

Seventy-
seventh.

77. The county of Orange shall constitute the seventy-seventh assembly district.

Seventy-
eighth.

78. The county of Riverside shall constitute the seventy-eighth assembly district.

Seventy-
ninth.

79. All that portion of the county of San Diego included within the corporate limits of the city of San Diego shall constitute the seventy-ninth assembly district.

Eightieth.

80. All that portion of the county of San Diego not included in the seventy-ninth district shall constitute the eightieth assembly district.

CHAPTER III.

CONGRESSIONAL DISTRICTS.

Section 117. Division of state into congressional districts.

117. The state is divided into eight congressional districts, which shall be designated and constituted as follows: Congressional districts.

1. The counties of Del Norte, Humboldt, Siskiyou, Trinity, Tehama, Shasta, Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Mono, Mariposa, and Tuolumne shall constitute the first congressional district. First.
2. The counties of Mendocino, Glenn, Colusa, Butte, Sutter, Yuba, Sacramento, Yolo, Lake, Napa, Sonoma, and Marin shall constitute the second congressional district. Second.
3. The counties of Alameda, Contra Costa, and Solano shall constitute the third congressional district. Third.
4. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center of Lyon street and the bay of San Francisco, continuing thence along the center of the following named streets: Lyon to Washington, Washington to Baker, Baker to Geary, Geary to Van Ness avenue, Van Ness avenue to Grove, Grove to Polk, Polk to Market, Market to Tenth, Tenth to Howard, Howard to Twentieth, thence along Twentieth to the bay of San Francisco, thence along the shore of said bay to Lyon street, the point of beginning; together with all the waters of the bay of San Francisco, and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the fourth congressional district. Fourth.
5. All that portion of the city and county of San Francisco not included in the fourth congressional district, with the islands known as the Farallon islands, together with the counties of San Mateo and Santa Clara, shall constitute the fifth congressional district. Fifth.
6. The counties of Santa Cruz, Monterey, San Benito, Fresno, Kings, Madera, Merced, Stanislaus, and San Joaquin shall constitute the sixth congressional district. Sixth.
7. The county of Los Angeles shall constitute the seventh congressional district. Seventh.
8. The counties of San Luis Obispo, Santa Barbara, Ventura, Kern, Tulare, Inyo, San Bernardino, Orange, Riverside, and San Diego shall constitute the eighth congressional district. Eighth.

CHAPTER IV.

EQUALIZATION DISTRICTS.

Section 125. Division of the state into equalization districts.

125. The state is hereby divided into four equalization districts designated and constituted as follows: Equalization districts.

1. The city and county of San Francisco shall constitute the first equalization district. First.

- Equaliza-
tion dis-
tricts.
- Second.
- Third.
- Fourth.
2. The counties of Alameda, Alpine, Amador, Calaveras, Contra Costa, El Dorado, Nevada, Placer, Sacramento, San Joaquin, and Tuolumne shall constitute the second equalization district.
 3. The counties of Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Plumas, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba shall constitute the third equalization district.
 4. The counties of Fresno, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, and Ventura shall constitute the fourth equalization district.

CHAPTER V.

RAILROAD DISTRICTS.

Section 130. Division of the state into railroad districts.

- Railroad
districts.
- First.
- Second.
- Third.
- 130.** The state is hereby divided into three railroad districts designated and constituted as follows:
1. The counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba shall constitute the first railroad district.
 2. The counties of Marin, San Francisco, and San Mateo shall constitute the second railroad district.
 3. The counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura shall constitute the third railroad district.

CHAPTER VI.

JUDICIAL DISTRICTS.

Section 135. Division of state into district courts of appeal districts.

- Courts of
appeal
districts.
- First.
- Second.
- Third.
- 135.** The state is hereby divided into three district courts of appeal districts designated and constituted as follows:
1. The counties of San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey and San Benito shall constitute the first appellate district.
 2. The counties of Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego shall constitute the second appellate district.
 3. The counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake,

Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine and Mono shall constitute the third appellate district.

CHAPTER 335.

An act to add a new article to Chapter I of Title III of Part III of the Political Code, to be known as Article VII, relating to Hastings College of Law.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new article is hereby added to Chapter I of Title III of Part III of the Political Code, to be known as Article VII, and to read as follows:

ARTICLE VII.

HASTINGS COLLEGE OF LAW.

- Section 1478. Officers and their appointment.
- 1479. Affiliation of, with the university.
- 1480. Granting and issuing of diplomas.
- 1481. Rooms and halls for use of the students and directors.
- 1482. The dean.
- 1483. Rights of students under their diplomas.
- 1484. Appropriations to be made.
- 1485. Purposes of the college.
- 1486. Founders—professorships.
- 1486a. Powers and duties of directors.
- 1486b. Use of law library.
- 1486c. Payments to be made in case of failure of appropriations, etc.
- 1486d. The president of the board.

1478. The law college founded and established by S. C. Hastings shall forever be known and designated as the Hastings College of Law. Its officers are a dean, registrar, and eight directors. Whenever any vacancy occurs in the board of directors, they must fill the same from the members of the Bar Association of San Francisco or otherwise; but such vacancies must be so filled that one of such directors shall be an heir or representative of said Hastings. The dean and registrar are appointed by the directors.

Hastings College of Law, officers.

1479. Such college is affiliated with the university of the state, and is the law department thereof.

Affiliation with University.

1480. The faculty of the university must grant, and the president must sign and issue, diplomas to the students of the college.

Diplomas.

1481. There must be set apart for the use of the students of the college, some room or suitable hall at the university, and the board of supervisors of the city and county of San Francisco is authorized to supply a suitable hall therein for the students and directors.

Rooms for students and directors.

- The dean. **1482.** The dean of the college is ex-officio of the faculty of the university, to be designated as such by the directors of the college.
- Rights of students under diplomas. **1483.** A diploma entitles the student to whom it is issued to a license to practice in all the courts of the state, subject to the right of the chief justice of the supreme court of the state to order an examination as in ordinary cases of applicants without such diploma.
- Appropriations to be made. **1484.** The sum of seven per cent per annum upon one hundred thousand dollars must be appropriated by the state and paid in two semi-annual payments to the directors of the college.
- Purposes of the college. **1485.** The business of the college is to afford facilities for the acquisition of legal learning in all branches of the law, and to this end it must establish a curriculum of studies and must matriculate students who may reside at the university of the state, as well as students residing in other parts thereof.
- Professorships. **1486.** Professorships may be established in the name of any founder thereof, who pays to the directors the sum of thirty thousand dollars.
- Management. **1486a.** All the business of the college must be managed by the directors without compensation. The acting officers, including the dean and register, must be appointed and may be removed by the directors.
- Use of law library. **1486b.** The Law Library Association of the city and county of San Francisco must grant to the students the use of its library upon such terms and conditions as it may agree upon with the directors of the college.
- Payments in case of failure of appropriations. **1486c.** If the state fails to pay to the directors of the college the sum of seven thousand dollars per annum, as stipulated in section fourteen hundred and eighty-four, or if the college ceases to exist, the state must pay to the said Hastings, his heirs or legal representatives, the sum of one hundred thousand dollars, and all unexpended accumulated interest, unless such failure is caused by mistake or accident, or the omission of the legislature to make the appropriation at any one session.
- President of board. **1486d.** The chief justice of the supreme court of the state is president of the board of directors, five of whom constitute a quorum to transact all business.

CHAPTER 336.

An act providing for the organization and management of mutual fire insurance companies.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Private corporations may be formed for the purpose of insuring the property of their members in accordance with and on the properties designated in this act, and not otherwise. Such corporations may be formed and organized as provided in part four, division first, of the Civil Code of the State of California. Mutual fire insurance corporations

SEC. 2. Any such corporation may be formed for the purpose of transacting fire insurance business and in one of the following lines, to wit: Lines of insurance.

1. Lumber yards, factories and mills.

2. Mercantile risks, dwelling houses, churches, schools and farm buildings, and contents.

SEC. 3. Each person or corporation accepting a policy in any such mutual insurance corporation shall thereby become a member of such corporation and shall be liable for his pro rata share of losses and operating expenses, except as hereinafter provided. Liability of members.

SEC. 4. No policy shall be issued by such corporation until not less than two hundred thousand dollars of insurance, in not less than two hundred separate risks, have been subscribed for and entered on its books, and until it shall have a cash reserve fund of fifty thousand dollars. No officer or other person whose duty it is to determine the character of risks, and upon whose decision the application shall be accepted or rejected by such corporation, shall receive as any part of his compensation a commission upon the premiums, but his compensation shall be a fixed salary and such share of the net profits as the directors may determine. Minimum business required.

SEC. 5. Every member shall be notified of the time and place of holding its meeting by a written notice, or by an imprint upon the back of each policy receipt or certificate of renewal, and shall be entitled to a vote as provided by law. Notice of meeting.

SEC. 6. Such company may issue policies provided the term of any policy does not exceed the time limited for the existence of the charter but not for an amount in excess of twenty-five hundred dollars on any one risk; *provided, however*, that one thousand dollars additional insurance may be written on any one risk for each million dollars of total insurance outstanding on the books of the company in excess of one million dollars; *provided further*, that two or more buildings situated in the same city block, or separated by less than one hundred feet shall be deemed to be one risk. Amount of risk permitted on each policy.

How mutual company may procure license.

SEC. 7. When any number of citizens or corporations not less than one hundred owning insurable property in this state desire to insure in a mutual company incorporated under the laws of some other state, they shall petition the insurance commissioner to grant such company a license to transact business in this state. Such corporation before being licensed in this state must file with the insurance commissioner its last annual statement signed by its president and secretary under oath, showing that the company is solvent and possessed of not less than two hundred thousand dollars bona fide premium notes or contingent liabilities of its members, and not less than seventy-five thousand dollars available cash assets over and above all liabilities or losses reported, expenses, taxes and reinsurance on all outstanding risks estimated at fifty per cent of the premiums received and receivable on all risks. Such company must also file a copy of its articles of incorporation and a certificate from the insurance commissioner of the state in which such company is incorporated, in which certificate the insurance commissioner must certify that such company's annual statement is correct. Any mutual insurance company incorporated under the laws of any other state, after complying with the provisions of this section shall be granted a license by the insurance commissioner of this state, granting such company full power to transact business under this act.

Assessments for losses.

SEC. 8. Each policy holder shall be liable to pay his proportionate part of any assessment which may be levied by the company, in accordance with the law and his contract, on account of losses and expenses incurred while he is a member. Mutual insurance companies shall charge and collect upon its policies the full premium in cash or notes, absolutely payable, and may, in its by-laws, fix the liability of its members for the payment of the losses and expenses not provided for by its cash funds; *provided* that the liability of a member shall not be less than a sum equal to the cash premium written in his policy. The total amount of the liability of a policy holder shall be plainly and legibly stated upon the back of each policy.

Same.

SEC. 9. Whenever such company is not possessed of cash funds above its permanent cash reserve fund hereinafter provided, sufficient for the payment of accrued losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses, upon its members liable to assessment therefor, in proportion to their several liabilities.

Record of assessment.

The company shall cause to be recorded in a book kept for that purpose, the order for such assessment, together with a statement which shall set forth the condition of the company at the date of the order, the amount of its cash assets and of its premium notes, or other contingent funds liable to assessment and the amount the assessment calls for. Such record shall be made and signed by the directors who voted for the order, before any part of the assessment is collected, and any person liable to assessment may inspect and take a copy of the same.

SEC. 10. Any member of any such corporation may withdraw at any time by surrendering his policy or certificate of insurance to the corporation, and giving thirty days written notice of his intention to withdraw and by paying his share of all losses which shall have accrued by the end of the time specified in the notice, and all assessments due, accrued, or pending at the time of his withdrawal, but the company may retain the rate usually charged by standard insurance companies for a short term policy; *provided, also*, that the corporation shall have power to cancel or determine any policy by giving the insured five days written notice to that effect, and returning to the insured his pro rata of the unearned premium.

With-
drawal of
members.

SEC. 11. No mutual fire insurance corporation formed under this act may make any dividend except from profits in hand after retaining unimpaired:

Dividends.

1. The sum of fifty thousand dollars.

2. A fund equal to one half the amount of all premiums on risks not terminated at the time of making such dividend.

3. A sufficient sum to pay all losses reported, or in course of settlement, and all liabilities for expenses and taxes.

SEC. 12. Nothing in this act shall be construed to restrict or affect the provisions of "An act to provide for the organization and management of county fire insurance companies," approved April 1st, 1897.

Construc-
tion of act.

SEC. 13. The general provisions applicable to all corporations as expressed in part four of division first of the Civil Code of the State of California, also all provisions of the Political Code so far as compatible with the provisions of this act, are hereby made applicable to corporations provided for by this act.

General
provisions.

CHAPTER 337.

An act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered four hundred seventy-six a (476a), relating to the making, drawing, uttering or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered 476a and to read as follows:

476a. Every person who, willfully, with intent to defraud, makes or draws, or utters, or delivers to another person any check or draft on a bank, banker or depository for the pay-

Drawing
of bank
checks
with
intent to
defraud.

ment of money, knowing at the time of such making, drawing, uttering or delivery, that he has not sufficient funds in or credit with such bank, banker or depository to meet such check or draft in full upon its presentation, is punishable by imprisonment in the state prison for not less than one year nor more than fourteen years. The word "credit" as used herein shall be construed to be an arrangement or understanding with the bank or depository for the payment of such check or draft.

CHAPTER 338.

An act to amend an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof" by adding a new section thereto to be numbered section 9½, providing for the disposition of money raised by the sale of bonds under said act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section to be known as "section 9½" is hereby added to the act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof" to read as follows:

Expendi-
ture
of money
raised
by sale of
bonds;
consent to
use for
other than
original
purpose,
how given.

9½. Whenever the legislative branch of any municipality shall by resolution deem the expenditure of money raised by the sale of bonds under the terms of this act for the purpose for which said bonds were voted impracticable or unwise, said legislative branch of said city, town, or municipal corporation may call a special election to obtain the consent of the people of said city, town, or municipal corporation to use said money for some other specified municipal purpose. The ordinance calling such special election shall recite the new object or 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 voting for or against the expenditure of said money for said purpose, and in all particulars not recited in said ordinance such election shall be held as provided by law for holding of such municipal elections in such municipality. Such ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in such

municipality, or once a week for two weeks in some newspaper published less than six days a week in such municipality, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. In municipalities where no such newspaper is published, such ordinance shall be posted in three public places therein for two succeeding weeks. No other notice of such election need be given. It shall require the votes of two thirds of all the voters at such special election to authorize the expenditure of the money for the purpose mentioned in the ordinance calling said special election.

SEC. 2. This act shall take effect immediately.

CHAPTER 339.

An act to repeal article nine of chapter two of title six of part three of the Political Code, and every section thereof, and to add to said code a new article to said chapter, to be numbered article nine, embracing sections twenty-seven hundred and forty-five to twenty-seven hundred and seventy-two, both inclusive, relating to permanent road divisions.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Political Code is hereby amended by repealing article nine of chapter two of title six of part three of the Political Code, and every section thereof, and adding a new article to chapter two of title six of part three thereof, to be numbered article nine, embracing sections twenty-seven hundred and forty-five to twenty-seven hundred and seventy-two, both inclusive, so as to read as follows:

Repeal of Article 9, Chapter 2, Title 6, Political Code.

ARTICLE IX.

PERMANENT ROAD DIVISIONS.

2745. Any portion of a county not contained in a permanent road division may be formed into a permanent road division under the provision of this act, and when so formed shall have the powers herein enumerated and such as may hereafter be conferred thereon by law.

Permanent road divisions.

2746. A petition for the formation of a permanent road division (naming it) may be presented to the board of supervisors of the county wherein the division is proposed to be formed. It shall be signed by at least a majority of the land-owners residing within the proposed division, and shall contain:

Petition for formation of, what to contain.

1. The boundaries of the proposed division;

2. The number of acres therein contained and the assessed valuation of the same accordingly to the last completed assessment roll of the county;

3. The value of the improvements on real estate and of the personal property within the proposed division according to the last completed assessment roll;

4. The number of inhabitants therein as near as can be ascertained;

5. A particular description as to location of the road or roads which it is desired to construct or improve and the necessity for such work;

6. By the last completed assessment roll is meant the last roll as made up by the assessor, with the changes ordered by the supervisors sitting as a board of equalization.

Affidavit
required.

2747. Such petition shall be accompanied by an affidavit stating that affiant has compared the valuations therein given with those on the last completed assessment roll and that the same are complete and correct.

Publica-
tion
of notice.

2748. Such petition shall be presented at a regular meeting of the board of supervisors or at a special meeting called to receive and consider the same, and shall be published at least once a week for three successive weeks in a newspaper published in the county before the time at which it is to be presented, together with a notice stating the time of the meeting at which the board will be asked to consider the petition, which time shall not be more than ten days after the last publication of the petition and notice.

Hearing of
petition.

2749. On the day named in the notice the board shall hear the petition and may adjourn such hearing from time to time, but not longer than one month in all. On the final hearing they may make such changes in the boundaries of the proposed road division as they may find to be proper and shall define and establish such boundaries; but such changes shall not include any territory outside of the boundaries described in the petition, until the board has given at least fifteen days' notice of its intention to include such territory in such road division. Such notice shall be given by publication at least once a week for three successive weeks in a paper published in the county, and by leaving a copy thereof at each place of abode in said territory.

Bound-
aries es-
tablished.

2750. The boundaries established by the board shall be the boundaries of such permanent road division until the same shall be changed in the manner provided by law; but if it shall appear to the board that the boundaries of any such division have been incorrectly described, it shall direct the county surveyor to ascertain and report a correct description of the boundaries in conformity with the orders of the board. At the first regular meeting of the board after the filing of the county surveyor's report, they shall cause notice to be published in some newspaper published in the county that the report will be considered at the next regular meeting of the board, naming the day, and at such meeting the board shall

ratify the report of the surveyor, with such modifications as they deem necessary. And the boundaries so established shall be the legal boundaries of such permanent road division.

Special road tax.

2751. At the time of forming a permanent road division, or at any time thereafter, any ten or more resident freeholders thereof, may petition the board of supervisors to have plans prepared for the construction or improvement of the road or roads or any part thereof mentioned in the petition for the formation of said division, or of the whole or any part of any other road in the division. Such petition shall state:

Petition for construction of road.

1. The recommendations of the petitioners as to the materials to be used and the manner of constructing or repairing said road or roads;
2. An estimate of the probable cost of such work;
3. A request that the board appropriate for said work a sum of money, naming it, from the general road fund of the county;
4. A request that the board appropriate for said work a sum of money, naming it, from the road district funds in the road districts of which said permanent road division forms a part;
5. A request that a special tax be levied or that the bonds of the division be issued to raise the balance necessary for said work.

What petition shall state.

2752. Upon receiving such petition the board shall proceed to prepare, or cause to be prepared, plans and specifications for and an estimate of the cost of the work mentioned in said petition, and for any other road, bridge, culvert or work considered a necessary part of the permanent road petitioned for.

Board to prepare plans.

2753. When the board has adopted plans and specifications for said work they may set apart therefor such a sum from the general road fund of the county as they shall consider equitable; also, such sum from the funds of the district or districts of which said division is a part, as they consider equitable, but not less than seventy-five per cent of the sum which bears the same ratio to the whole fund of the district or districts which the assessed valuation of the division bears to the whole valuation of the district or districts of which it forms a part. The board may in its discretion give more than this percentage. These sums shall be set apart in a fund, to be known as the permanent road fund of ——— division (using the name of the division).

May set apart moneys.

2754. When a special tax is petitioned for, the board of supervisors shall immediately order an election within such road division to determine whether the same shall be levied; and the board may in its discretion submit to the electors at such election the question whether the balance of the estimated cost of the proposed work shall be raised by a special tax in one, two, or three successive years, raising an equal amount each year. Such election must be called by posting notices not more than one mile apart, and not less than three such notices, along the road or roads proposed to be improved or constructed,

Special tax election.

Notices of.

at least fifteen days before the election, and by publishing the same at least once a week for three successive weeks in a newspaper published in the county.

What notice must specify.

2755. Such notices must specify the time and place or places of holding the election, the amount of money proposed to be raised and the purpose for which it is to be used, including a brief description of the proposed work and materials to be used, and whether it is proposed to raise the amount in one, two or three successive years. If in more than one year, the amount proposed to be raised each year.

Conduct of election.

2756. For the purposes of this election, the supervisors shall establish, by order, one or more precincts and appoint three judges for each to conduct the same, and it must be held in all respects as nearly as practicable in conformity with the general election law; but no particular form of ballot need be used, nor shall any informality in conducting such election invalidate the same if the election shall have been otherwise fairly conducted.

Ballots.

2757. At such elections the ballots shall contain the words "Tax—Yes" or "Tax—No."

Certificate of vote

2758. The officers of the election must certify the result of the election to the board of supervisors, giving the whole number of votes cast, the number for and the number against the tax. If the majority shall be against the tax, the money theretofore transferred to the fund of such division shall revert to the funds from which it was taken.

Tax, how levied.

2759. If the majority of the votes cast are for the tax, the supervisors must at the time of levying the county taxes levy a tax upon all the taxable property in the division sufficient to raise the amount voted for the current fiscal year. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the division as it appears on the assessment roll of the county and then dividing the sum voted by the remainder of such aggregate assessment value. The tax so levied shall be computed and collected in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of the division in which the tax is voted.

Permanent road bonds.

Special bond election.

2760. If the petition mentioned in section 2751 of this code asks for the issuance of bonds the supervisors shall call an election in such road division and submit to the electors thereof the question whether the bonds of the division shall be issued. Such election must be called by posting notices not more than one mile apart and not less than three such notices, along the road or roads proposed to be constructed or improved, at least fifteen days before the election, and by publishing the same at least once a week for three successive weeks in a newspaper published in the county. The supervisors shall in such notice designate the polling place or places and define the boundaries of the election districts, but no election precinct shall be part in one and part in another of such districts.

2761. Such notice must contain :

What
notice to
contain.

1. The time and place or places of holding such election ;
2. The name of three judges for each election district to conduct the same ;
3. The hours during the day in which the polls will be open, not less than eight ;
4. The amount and denomination of the bonds ; the rate of interest, not exceeding seven per cent ; and the number of years, not exceeding twenty, any part of said bonds shall run ;
5. The purpose for which it is to be used, including a brief description of the proposed work and the materials to be used ;
6. The signature of the chairman of the board, attested by the county clerk.

2762. Such election shall be conducted as near as practicable in accordance with the general election law, but no particular form of ballot need be used. No informality in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted. At such elections the ballots shall contain the words "Bond—Yes" or "Bond—No."

Conduct of
election.

2763. The officers of the election must certify the result of the election to the board of supervisors, giving the whole number of votes cast and the number for and the number against the bonds. If two thirds of those voting thereon are in favor of issuing such bonds, then the board of supervisors shall cause an entry of that fact to be made upon the minutes, and thereupon they shall be authorized and empowered to issue the bonds of said division to the number and amount provided for in such proceedings, payable out of the funds of such division, and that the money shall be raised by taxation upon the property in said district for the redemption of said bonds and the payment of interest thereon, but the total amount of bonds so issued shall not exceed fifteen per cent of the taxable property of the division as shown by the last equalized assessment roll of the county.

Certificate
of result.

2764. The supervisors, by an order entered upon the minutes, shall prescribe the form of said bonds and of the interest coupons attached thereto, and shall fix the time when the several bonds shall become due, not exceeding twenty years from the date thereof.

Form of
bonds.

2765. Such bonds shall bear no greater rate of interest than seven per cent per annum, and the interest shall be payable annually. The bonds and each coupon shall bear the autograph or fac simile printed signature of the chairman of the board and of the county clerk. Said bonds shall be sold by the county treasurer, after reasonable notice, to the highest and best bidder, but not for less than par and accrued interest, if any.

Rate of
interest.

How sold.

2766. If at the election mentioned in section sixteen of this act, an issue of bonds is not authorized, the money transferred to the fund of the division shall revert to the funds from which it was taken.

Reversion
of moneys.

Manner of performing the work.

Road work
must be by
contract.

2767. The road work provided for in this act shall be done by contract let to the lowest responsible bidder in accordance with the provisions of section twenty-six hundred and forty-three of the Political Code of California. The successful bidder shall give a bond in such sum as the supervisors shall provide, conditioned for the faithful performance of the contract, and for the payment of all labor employed and material used in said work, and such bondsmen shall be jointly and severally liable for the payment of all such labor employed and such material used.

Appoint-
ment of
inspectors.

2768. Before opening the bids for doing the work herein provided for, the supervisors shall appoint two inspectors, residents of the division, both of whom shall not belong to the same political party, and fix their compensation, not exceeding thirty cents an hour for the time actually spent in the performance of their duties, which compensation shall be paid out of the funds of the division. It shall be the duty of the in-

Duties of.

spectors to inspect from time to time the work being done under the contract. They shall file with the board of supervisors at least once a month written reports on the manner in which the contractor is performing the work, setting forth in detail any objections they or either of them may have to the manner in which the work is being done, with recommendations as to changes desirable and provided for in the plans and specifications. They shall also estimate the amount of work of an unsatisfactory nature done since their last report and the supervisors shall make no payment on account of such alleged unsatisfactory work until the objections have been inquired into or until the contractor shall have performed the work in strict compliance with the plans and specifications.

Payments
on
account.

2769. The supervisors may, from time to time as the work progresses, make payments on account, but shall not, before the completion of the contract, pay more than seventy-five per cent of the contract price of the amount completed, and final payment shall not be made until the work has been accepted by the board.

Money
remaining
after com-
pletion
of work.

2770. Any money remaining after the completion of the work contracted for shall remain in the fund of the road division and shall be expended only in maintaining the roads of such division. On the payment of the debts of the division or on the failure at two successive elections to vote a special tax or bonds for any proposed work such road division shall cease to exist as a permanent road division; *provided*, that the second election for a special tax or bond issue shall be held not less than six months nor later than one year after the election at which a special tax or bond issue has been defeated.

Where
notices
must be
published.

2771. All publications required to be made in the proceedings for the formation of a permanent road division, or the elections or other proceedings had therein, shall be published in a newspaper published within such road division if any paper is published therein; if there is no paper published

within such road division, such publication shall be made in a paper published within the county and deemed by the supervisors most likely to give notice to the residents of the road division. One publication each week for three successive weeks shall be a sufficient publication under this act, including any publication under proceedings commenced but not concluded before this act takes effect.

2772. The expenses of organizing a permanent road division and of conducting any election under the provisions of this act shall be a county charge, payable out of the general county fund. Expenses of organizing division.

2773. This act is intended to furnish an alternative method for accomplishing the road construction and improvement provided for herein, and does not repeal, modify, or abridge any other act or acts having for their object the construction or improvement of roads, streets, or other public highways not within the boundaries of a municipal corporation. Construction of act.

CHAPTER 340.

An act to add a new section to the Political Code to be numbered section thirteen hundred and sixty-one a, and to amend section thirteen hundred and sixty-seven of the Political Code in relation to primary elections.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be known as section 1361a to read as follows:

1361a. The governing committee of any political party when filing its petition or application for a place on the primary official ballot, shall at the same time and with the officer of election authorized to receive such petitions, file a resolution prescribing the party test necessary for an elector to vote for the delegates to the nominating convention of said party, in addition to the qualifications required by law. None but persons who possess the qualifications required by law and by the resolution of said party committee must be permitted to vote for delegates to the nominating convention of said party. Primary elections.
Resolution prescribing party test.

SEC. 2. Section 1367 of the Political Code is hereby amended so as to read as follows:

1367. A person desiring to vote at any primary election on behalf of any party or for delegates to any convention, shall write his name and address on the roster of voters, or where unable to write shall have the same written thereon for him as provided by law, and he must also write, or where unable to write, have written for him on such roster, opposite such name Manner of voting.

and address, the name of the political party for whose candidates he in good faith, intends to vote at the election for which the primary is held. The ballot clerk shall thereupon announce his name and address and the name of the political party for whose candidates he intends to vote. Any voter may be challenged as to his right to vote for the candidates of the political party for whom he desires to vote, and when so challenged, his right to vote must be denied unless in addition to the challenges allowed by law he subscribes to the test required by the resolution of the committee of the political party for whose candidates he desires to vote. It shall be the duty of the inspector or judge to tender such oath or affirmation to any voter challenged on the grounds aforesaid. The voter may likewise be challenged for any cause that might disqualify a voter at a general election. If not challenged, or if the challenge is overruled or withdrawn, he shall receive from the ballot clerk a ballot having the designation or heading of the political party whose name was written on such roster by or for him, and he may be permitted to prepare and vote the same. The roster of voters herein provided for, must be delivered to the county clerk or registrar of voters as provided for in section twelve hundred and sixty-four *a* of the Political Code, and kept as a public record for public inspection, for a period of at least two years.

Challenge.

Roster of voters, disposition.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 341.

An act to amend sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1115 of the Code of Civil Procedure is hereby amended to read as follows:

1115. When an elector contests the right of any person declared elected to such office, he must, within twenty days after the declaration of the result of the election by the body canvassing the returns thereof, file with the county clerk a written statement, setting forth specifically:

1. The name of the party contesting such election, and that he is an elector of the district, county, or township, as the case may be, in which such election was held;

2. The name of the person whose right to the office is contested;

Proceedings on election contest.

3. The office;
4. The particular grounds of such contest.

Such statement must be verified by the contesting party, as provided by section four hundred and forty-six of this code.

SEC. 2. Section 1118 of the Code of Civil Procedure is hereby amended to read as follows:

1118. Within five days after the end of the time allowed for filing such statements the county clerk must notify the superior court of the county or city and county of all statements filed. The court shall thereupon order a special session to be held, on some day to be named by it, not less than ten nor more than twenty days from the date of such order, at which session the ballots shall be opened and a recount taken, in the presence of all the parties, of the votes cast for the various candidates in all contests where it appears from the statements filed that a recount is necessary for the proper determination of such contest or contests. The court shall continue in special session to hear and determine all other issues arising in such contested elections and within ten days after the submission thereof, the court shall file its findings of fact and conclusions of law and immediately thereafter judgment thereon shall be entered.

Special session of court to hear contest.

SEC. 3. Section 1125 of the Code of Civil Procedure is hereby amended to read as follows:

1125. If the proceedings are dismissed for insufficiency, or for want of prosecution, or the election is by the court confirmed, judgment must be rendered against the party contesting such election, for costs, in favor of the party whose election was contested; but if the election is annulled or set aside, judgment for costs must be rendered against the party whose election was contested, in favor of the party contesting the same; *provided*, that where two or more contested elections are joined for the purpose of recounting votes as in this title provided, the costs shall be apportioned among the parties in the discretion of the court. Primarily each party is liable for the costs created by himself, to the officers and witnesses entitled thereto, which may be collected in the same manner as similar costs are collected in other cases.

Costs.

CHAPTER 342.

An act to amend section twelve of an act entitled "An act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act." (Approved March 20, 1903.)

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Voting
machine
com-
mission.

SECTION 1. Section twelve of an act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act (approved March 20, 1903), is hereby amended to read as follows:

Duties of
inspectors
of election.

Section 12. The inspectors of election shall, as soon as the result is fully ascertained and declared, as in the preceding section required, lock the machine so that the record of each election shall be preserved for the period of six months following such election, except in cases where the machine is required for use in a subsequent election during such period, in which case the board of supervisors or other board having charge and control of elections shall inspect the registering or recording and receiving device of the machines and file a report of said inspection with the county clerk or registrar of voters. Said report of said board when so certified and filed shall be prima facie evidence of the vote at such election. Any supplementary or duplicate record of an election, which may be furnished by a machine, shall be preserved by the county clerk or registrar of voters for one year following such election. Whenever either house of the legislature shall by resolution, adopted and entered upon its journal, direct that any standing or special committee of such house, shall be empowered to open and examine any voting machine or voting machines which were used at any election held within six months before the passage of such resolution, the committee of such house so empowered and authorized shall have the power and authority by its resolution in writing to order any such machine or machines to be opened, inspected or examined in

Machine
may be
opened by
legislative
committee,
when.

any manner which such committee shall prescribe. If the opening of such a machine or machines be for the purpose only of counting or recounting the votes cast or registered at said election in a contest pending before such house, then and in such event the opening thereof and such count or recount must be made in the presence of said committee, or its sub-committee duly designated by its resolution in writing for such purpose. If the opening of such machine or machines be for any other purpose or for the investigating of the mechanism and manner of operation of a machine or machines, or for determining or reporting upon the mode of its operation, or its nature as a safe mechanical appliance for the receiving and registration of the votes of electors, then the committee must by its resolution in writing specify the person or persons who are to make such mechanical or expert inspection, and the place where and the time when such inspection is to commence, and may, if it deem proper, limit the duration of such inspection, and fix the place where the same is to be made, and state whether the same is to be made in the presence of the said committee, or of its duly appointed sub-committee, or of any other person or persons to be named by said committee. Every person employed or permitted to take part in any such inspection of such a machine or machines, or in whose presence said inspection occurred, may be required to attend and testify as a witness before such committee if required, and be subject to the subpoena of such committee. If such machine or machines be opened under the provisions of this section by order of such committee, the said committee, or its sub-committee duly appointed, shall immediately upon opening the doors, or the opening to the dial or place where the votes thereon are registered, which were cast at the last election, take off in writing the complete record of votes for all candidates which are recorded or registered upon or by said machine, and certify the same to be true and correct, with the date of such certificate, and place the same in an envelope, and seal the same in the manner required for sealing election returns, and make an endorsement upon the outside of such envelope stating the number of the machine whose record is enclosed, and forthwith file the same with the county clerk, or registrar of voters, of the county, or city and county, where such election was held, who shall receive and keep the same with the other returns of the said election in his office for a period of twelve months from the date of said election, and such record shall in any court having jurisdiction of an election contest be prima facie evidence of its contents in any case where the vote upon such a machine or machines might have been recounted by the court if such machine or machines had not been previously opened or the result thereof in any manner affected. Immediately upon the conclusion of such investigation, examination and inspection of such machine or machines, the same shall be again securely locked by the clerk, or registrar of voters, or the said committee or its sub-committee, and the keys thereof

Expert
inspection.

If machine
be opened,
record of
vote to be
preserved.

Record to
be filed
with
county
clerk.

Machine
may be
taken
to state
capital.

returned to the officer entitled to possession of the same under the provisions of this act, and shall not be again opened except in accordance with the provisions of this act. One voting machine of each kind or pattern may be taken by such committee or upon its order, and upon its receipt therefor, to the city of Sacramento, or the state capital, and there kept under the directions of such committee, but no such machine shall be so taken or transported without the consent of the owner thereof, unless the same be the property of a city, county, or city and county, or other political subdivision of the state. If such committee shall permit such a machine or machines to be taken apart, then and in such event the said committee shall cause the same to be restored and properly put together again, before or at the termination of its investigation, and to be returned by order of such committee, and at the expense of the state, to the place from which it was taken. If any such machine or machines be taken to Sacramento, or the state capital, under the provisions of this section, and the legislature shall adjourn *sine die*, without such machine or machines having been so restored and returned by such committee, then and in such event the secretary of state shall forthwith, upon such adjournment, take charge of such machine or machines, and cause the same to be properly restored and returned to the place or places respectively from which the same were taken, and the expense thereof shall be a charge against the state, and a written demand therefor, verified by the secretary of state, must be allowed by the controller by his endorsement of allowance thereon, and thereupon, upon presentation, the same shall be paid to the secretary of state by the state treasurer out of any funds of the state not otherwise appropriated. Any voting machine used at an election may, within six months from the date of such election, in any election contest, or action in the nature of quo warranto in any court of this state having jurisdiction thereof, be opened by order of such court and in its presence, for the purpose of recounting the vote involved in such election contest, under the same rules and conditions that apply to the opening of packages of sealed ballots and the recounting of the same, and must be forthwith locked again as soon as the result upon each machine is tallied, and in the presence of the said court.

Secretary
of state to
take
charge
of, when.

Proceed-
ings in
contested
election.

CHAPTER 343.

An act supplementary to an act entitled "An act creating a state commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such election; providing for the punishment of all violations of the provisions of this act," approved March 20, 1903, and providing for the testing and inspection of such machines.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Within not more than thirty nor less than twenty days before the holding of any election in any county, city and county, city or town, at which is to be used voting or ballot machines adopted under the provisions of the act referred to in the title of this act, the county clerk or other officer having control of such election in such county, city and county, city or town, shall fix a day, which shall not be more than fifteen days nor less than five days before the date of such election, upon which the voting or ballot machines to be used at such election shall be examined, tested and sealed as hereinafter provided.

Voting machine to be tested before election: duty of county clerk.

SEC. 2. At least twenty days before an election in any political subdivision where voting machines are to be used in one or more precincts, of such subdivision, under and pursuant to the law of this state, it shall be the duty of the board of election commissioners or other body having charge and control of such election, to notify in writing by mail with postage prepaid the chairman or secretary of the executive or central committee of any political party or organizations for the territory, which may have made nominations of candidates to be voted for at such election, that it may appoint representatives of such political party who shall be authorized to attend and observe the final adjustment, testing and sealing of such ballot machines, and thereupon it shall be the right of such committee to appoint as many representatives as it may see fit to select for such purpose, and to issue certificates of such appointment to such representatives by the secretary of such committees, respectively, which shall forthwith send a list of such representatives with the name of the political party or organization for which they are selected, and the name of each representative with his full address, adding street and number, to the said board of election commissioners or other body having charge and control of such election. If any political party or organization which

Committee of political party to be notified of test.

Representatives to observe test.

has made nominations shall not have any chairman or secretary of such committee, or the name and address of such chairman or secretary shall not appear in its nomination papers, then the said election commissioners may send the notice above required to any person named in its nomination papers as the person to whom the certificate of nomination may be returned. Such board of election commissioners shall thereafter, and at least five days before the time therefor, send written notice with postage prepaid to each such representative of a political party or organization which has so been filed in its office, with the address of such representative; which notice shall state the time and place before such election where such representatives are invited to attend, to observe the final adjustment, testing and sealing of such voting machines, and thereafter at such time and place the final adjustment, testing and sealing of such voting machines under the directions of such board of election commissioners, shall proceed in the presence of as many of said representatives as shall assemble to observe and view the same, a full and complete opportunity shall then and there be given to such representatives to observe the processes by which such adjustment, testing and sealing is performed, and to see that the said machines are set at zero, and without any vote registered thereon for the advantage of any party or candidate or otherwise. When the said machines are so sealed they shall not be unsealed again, except by the precinct election board on the day of election and except for trial as to their correctness after transportation to the various booths or polling places, at which places such trial may be made as the board of election commissioners or body having control of the elections shall direct, to see if any machine has become in any way disarranged during transportation to the polling place, and a seal necessary to such investigation may be broken or any work performed that may be necessary to put any machine in any such polling place in complete working order for such election, and the representatives aforesaid shall have the right to attend at any and all polling places for the purpose of viewing and observing any such unsealing arrangement and resealing, which final work shall take place not later than the day before the election, nor earlier than the third day before the election. If independent candidates are nominated, and no chairman or secretary is named in the certificate of nomination, then such candidate, or candidates, shall be notified as herein specified, and may attend, or appoint representatives to attend, with all the rights and privileges provided for by this act.

Notice of time and place.

May be unsealed on day of election.

Rights of independent candidates.

Notice of final inspection.

It shall be the duty of the board of election commissioners, or other body having charge and control of such election, to notify in writing by mail with postage prepaid, the chairman or secretary of any of the executive or central committee of any political party or organization hereinbefore referred to, and any independent candidate or candidates hereinbefore referred to, of the time when the final inspection, adjustment,

testing and sealing of such voting or ballot machines will commence at the polling places, and of the place or places from which the inspectors will start in the performance of such duty, and that the representatives appointed pursuant to this act or such independent candidate or candidates, may attend as provided by this act. Such notices shall be so mailed not less than three days before the time named for commencing such final inspection.

SEC. 3. Any person violating any provision of this act shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars or imprisonment of not more than six months, or both. Penalty.

SEC. 4. This act shall take effect immediately.

CHAPTER 344.

An act to amend sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1123 of the Code of Civil Procedure is hereby amended to read as follows:

1123. If in any such case it appears that another person than the one returned has the highest number of legal votes, the court must declare such person elected. The person declared elected by the superior court shall be entitled to a certificate of election; and, if a certificate has not already been issued to him, the county clerk must immediately make out and deliver to such person a certificate of election signed by him, and authenticated with the seal of the superior court. If the clerk has issued any certificate for the same office to any other person than the one declared elected by the court, such certificate shall be annulled by the judgment. Certificate of election, to whom, must be issued.

SEC. 2. Section 1126 of the Code of Civil Procedure is hereby amended to read as follows:

1126. Either party, aggrieved by the judgment of the court, may appeal therefrom to the district court of appeal, as in other cases of appeal thereto from the superior court; *provided*, that during the pendency of the proceedings on appeal, and until final determination of such proceedings, the person declared elected by the superior court shall be entitled to the office in like manner as if no appeal had been taken. Appeal.

SEC. 3. None of the provisions of this act shall be held to apply to any pending contest or any contest in which the decision of the superior court shall have been rendered prior to the passage of this act. Pending contests.

CHAPTER 345.

An act to amend sections 1189, 1192, 1358, 1079, 1361, 1186 and 1188 of the Political Code relating to elections.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred and eighty-nine of the Political Code is hereby amended to read as follows:

Certifi-
cates of
nomina-
tion,
filing of.

1189. Certificates of nomination shall be filed with the secretary of state for the nomination of candidates for office to be filled by the electors of the entire state, or for members of the state board of equalization, state board of railroad commissioners, house of representatives, or justices of the district courts of appeal. Certificates of nomination shall be filed with the clerk or secretary of the legislative body of any incorporated city or town for the nomination of any candidate for an office under the government of any city or town, to be filled by the electors of such city or town. For all other nominations to public office, certificates of nomination shall be filed with the clerks of the respective counties wherein the offices are to be filled by the electors; and where the district or political division embraces more than one county, such certificate must be filed with the clerk of the county in which the candidate resides, and the name of each such candidate, as specified in the certificate of nomination, shall be certified by said county clerk to the county clerks of the other counties within the district or political division, not less than twenty-seven days before the day of election.

Sec. 2. Section 1192 of the Political Code of the State of California is hereby amended to read as follows:

Certifi-
cates of
nomina-
tion, time
of filing.

1192. Certificates of nomination required to be filed with the secretary of state shall be filed not more than sixty days and not less than forty days before the day fixed by law for the election of the persons in nomination, when the nomination is made by a convention, and not more than sixty days and not less than thirty-five days before the day of election, when the nomination is made by electors, as provided in section one thousand one hundred and eighty-eight of this code. Certificates of nomination required to be filed with the county clerks, or with the clerk or secretary of the legislative body of any city or town, shall be filed not more than fifty nor less than thirty days before the day of election, when the nomination is made by a convention, and not more than fifty days nor less than thirty days before the day of election, when the nomination is made by electors. The county clerk of the county wherein certificates of nominations for senators and members of the assembly and judges of the superior court are required to be

filed, must, within five days after the filing of such certificates, make out a copy of such certificate of nomination, certify the same under his official seal, and forward such copy or copies to the secretary of state. Should a vacancy in the list of nominees of a convention occur, such vacancy may be filled by the convention; or if it has delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancy, proceed to fill the same; *provided*, that such nominations shall be made and certified, and such certificate filed at least thirty days before the day of election, and not thereafter. The chairman and secretary of the convention, or of such committee, shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The county clerk of the county wherein such certificate to fill a vacancy in the list of nominees of a convention for senators, or members of the assembly, or judges of the superior court, must, within five days after the filing of such certificate, make out a copy of such certificate, certify the same under his official seal, and forward such copy or copies to the secretary of state. When a certificate to fill any vacancy shall be filed with the secretary of state, he shall, in certifying the nomination to the various county clerks, insert the name of the person who has been thus nominated to fill a vacancy in the place of the original nominee. Any person whose name has been presented as a candidate, may, at least thirty days before the day of election, cause his name to be withdrawn from nomination, by filing in the office where the original certificate of nomination was filed his request therefor, in writing, signed by him and acknowledged before the county clerk of the county in which he resides; and no name so withdrawn shall be printed on the ballot. Whenever any certificate of nomination is presented for filing to any officer authorized to file the same, such officer shall forthwith, upon receipt of the same and before filing, examine the same, and if there is any defect, omission, or reason why the same should not be filed, such officer shall then and there forthwith designate, in writing, the defect, omission, or reason why such certificate cannot be filed, and return the said certificate to the person named in such certificate as the person to whom the same may be returned, under this section, with such written designation of defect, omission, or reason for not filing the same; and after the filing of any certificate of nomination, no officer required by law to transmit any nomination, or to make up or print any ballot, shall fail or omit to transmit such nomination, or omit to print the name of any nominee or candidate named in any certificate of nomination which has been filed; and unless a certificate of nomination is returned as herein required, the officer to whom the same is properly presented shall file the same as soon as he shall receive and examine the

Vacancies.

With-
drawal of
nominee.Defects in
certificates
of nomination.

same as herein required, and must file it as of the day it is presented. No certificate of nomination shall be entitled to be filed unless the same shall contain a designation of the name of a person to whom the same may be returned, pursuant to the provisions of this section, with the address of such person, adding street and number when there is such. Where a certificate of nomination shows that the nominations were made by a convention, or by a committee appointed by a convention to fill vacancies, if the official vote of record in the office of the secretary of state, or in the office of the officer where the same is required by law to be filed shows that the political party which held the convention referred to in such certificate had not polled three per cent of the entire vote of the state, or the county, city and county, district, or other political division, for which such convention was held, such certificate shall not be filed, and the officer with whom such a certificate is required to be filed, shall examine such official vote to ascertain the fact.

SEC. 3. Section thirteen hundred and fifty-eight of the Political Code is hereby amended to read as follows:

Certain terms relating to political conventions defined.

1358. A convention to nominate candidates for public office to be voted for by the electors of the entire state will be hereinafter in this chapter designated as a state convention, and a primary election for the election of delegates to such convention will be hereinafter in this chapter designated as a state primary. Conventions to nominate candidates for representatives in congress, justices of the district courts of appeal, and members of the board of equalization, or railroad commissioners, or for senators and assemblymen, or judges of the superior court, from districts including more than one county, will be hereinafter in this chapter designated as district conventions, and a primary election to elect delegates to such conventions will be hereinafter in this chapter designated as a district primary. Conventions to nominate candidates for county, or city and county officers, judges of the superior court, or justices of the peace in any city and county, and members of the senate and assembly representing districts wholly within one county, or city and county, supervisors, and all township officers, will be hereinafter in this chapter designated as local conventions, and a primary election to elect delegates to such conventions will be hereinafter in this chapter designated as a local primary. A convention to nominate candidates for city or town officers will be hereinafter in this chapter designated as a city convention, and a primary election to elect delegates to such conventions will be hereinafter in this chapter designated as a city primary.

SEC. 4. Section 1079 of the Political Code is hereby amended to read as follows:

Expenditures in respect to elections.

1079. Whenever the clerk, secretary or any officer of a county, city, or city and county, is charged with the performance of any official duty, in respect to elections which involves the expenditure of public moneys, such expenditures shall be subject to the control and supervision of the board of election commissioners; and when any printing or other service is to be performed, or materials are to be furnished, the

amount of which in the aggregate shall exceed the value of five hundred dollars, it shall be the duty of the board of election commissioners to invite proposals for the work, or the furnishing of the materials, and to let the contract for the same to the lowest responsible bidder therefor, in the same manner and upon the same conditions as is required in the letting of contracts for doing other and similar work, or furnishing other and similar materials, for county, city, or city and county purposes; *provided*, that no such proposal or bid shall be required for the contract to print ballots or the printed index of the precinct registers, if the time within which such ballots or index must be had does not reasonably admit of such proposal and bid, or where an emergency requires the immediate performance of a duty relating to the management or conduct of an election and delay in the performance of such duty might imperil the holding of the election at the time and in the manner provided by law.

Printing of
ballots
or index.

SEC. 5. Section thirteen hundred and sixty-one of the Political Code is hereby amended to read as follows:

1361. All political parties which, at the last election prior to any ensuing primary election herein provided for, polled at least three per cent of the entire vote of the state, county, district, city and county, city or town, or other political division for which a primary election is to be held under the provisions of this chapter, or which, in the case of any county, city and county, township, city, or district wherein no general election shall have been held after its organization, shall have polled at least three per cent of the votes cast in the precincts composing such county, city and county, township, city, or district, shall be entitled to a designation and place upon the official ballot to be used in all elections for delegates under this chapter upon complying with the provisions of this section. All other political organizations which shall file with the proper officer or board of election commissioners the petition required in such behalf by the provisions of this chapter shall be entitled to participate in such primary election.

Parties
entitled to
designation
upon
official
ballot.

Where a state or district convention is to be held, the governing committee of any political party for such territory shall, at least forty days prior to the dates of the state or district primary, file with the secretary of state, a writing, designated in this chapter as a petition, authenticated by the chairman and secretary, or other governing officers of such party, state, or district committee, setting forth the name of such party, that such writing is authenticated by the proper officers of the party committee, that it is the intention of such party to hold a state or district convention or conventions, for the purpose of making a nomination or nominations of candidates for public offices to be voted for at the next ensuing general election, or at any special election within the same territory which may be called within two years after the primary election, for the purpose of filling any vacancy in any public office for which such convention is entitled to make nominations, and requesting that a place be given to it upon the

Petitions
for state or
district
conven-
tions,
where
filed.

What
petitions
shall state.

official primary election ballot where such primary election is to be held under the provisions of this chapter. Where a state convention is to be held, the respective petitions as filed shall provide that the same delegates composing the state convention, who reside within the respective appellate districts, railroad commissioner districts and state equalization districts, shall be the delegates to the respective conventions to nominate candidates for justices of the district courts of appeal, railroad commissioners, and for members of the state board of equalization. And the petitions filed by congressional district committees, where there are such committees, shall state whether the delegates elected to a state convention, within such congressional district, shall be the delegates empowered to nominate a candidate for congress in such district, or whether separate delegates shall be selected in such congressional district for that purpose. And petitions filed by senatorial or assembly district committees, from districts including more than one county, where there are such district committees, shall state whether the same delegates to the state convention residing within such district shall nominate the candidate for senator or assemblyman in such district, or whether separate delegates shall be elected in such district for that purpose. And unless there shall be such district petitions providing for such separate delegates in the cases aforesaid, such district candidates for congress, state senator, or assemblyman shall be nominated by the delegates to the state convention who come from and reside within such respective districts. Such petition must further state the number of delegates who will compose the convention, and specify the basis of the apportionment upon which they are to be elected. Such petition may either make such apportionment in detail, or may leave such apportionment in detail to the party committees of the respective counties, or of any city and county, in this state; *provided, however*, that any apportionment made in accordance with the provisions of this chapter must be made on the same basis for each subdivision, and must not be to, or the election by, territory not included in the same assembly district; nor such as to allow voters in different counties to vote for the same delegate or delegates; such petition must be duly verified as to the truth of such matters by the chairman or secretary, or a governing officer of such party, before an officer authorized to administer an oath in this state. If the petition be by a political organization which has not previously polled three per cent of the vote as heretofore mentioned and specified in this section, then and in that event such petition must be signed by the electors residing within the state, district, or political division for which candidates are to be presented, equal in number to at least three per cent of the entire vote cast at the last preceding election in the state, district, or political division for which nominations are to be made, and must be verified as required by section eleven hundred and eighty-eight of the Political Code, and be signed and arranged in all respects as required for certificates of nomination by the provisions of section eleven hundred and eighty-

Number of
delegates
to be
stated.

Basis of
apportion-
ment.

eight of the Political Code, and contain the name and complete address of a person to whom the same may be returned if not entitled to be filed; and all the provisions of section eleven hundred and ninety-two of the Political Code relating to the presentation, examination, and return of certificates of nominations, shall apply to the petitions mentioned in this section. Such petition may also contain the names of any committee of said organization and of the officers of such committee for the territory to which said petition relates, with the address of such officers. Where local conventions are to be held such petitions must be authenticated in the same manner as above provided for state or district conventions by the governing officers or committee of the party for the county, city, or city and county, or by signers to a verified petition as hereinbefore specified, and must set forth the same things as hereinbefore required in a petition for participation in a state or district primary election. Such last named petition must further specify whether or not the same delegates are to serve in the local convention, and also in subdivisions of such local conventions, for the purpose of nominating state senators, members of the assembly, judges of the superior court, supervisors, or other township and local officers, or whether different sets of delegates are to be elected to such local conventions, and must specify in detail the apportionment of delegates, whether by assembly districts, or by wards, or by primary election precincts, or combinations thereof not to exceed an assembly district, for each proposed convention, and the basis of apportionment shall be the same as hereinbefore provided; *provided, however,* that only such delegates as have been elected from any senatorial or assembly district shall make the nomination of senator or assemblyman from such district, respectively. If the apportionment last mentioned is not contained in any petition filed, then such apportionment shall be made by the board of election commissioners with whom the petition is filed before the publication provided for in section thirteen hundred and sixty-three of this code. Such last named petition for participation in a local primary election must be filed with the board of election commissioners of the county, or city and county, at least thirty days before the date of such primary election. Where a city primary is to be held such petition must set forth the same facts required to be set forth in a petition for participation in a local primary election, must be governed by the same rules, and must be executed by the governing officers or committee of the party for such city or town, and in like manner and time filed with the governing body of such city or town, or by signers to a verified petition as hereinbefore specified. Such last named petition for participation in a city primary must specify in detail the apportionment of delegates, whether by assembly districts, or by wards, or by primary election precincts, or combinations thereof not to exceed an assembly district, where the same have already been established.

Local con-
ventions.Basis of
apportion-
ment.Where
petition
for local
con-
vention
to be filed.

SEC. 6. Section 1186 of the Political Code is hereby amended to read as follows:

Nomina-
tion of
candidates
for public
office.

1186. Any convention as hereinafter defined may make nominations of candidates for public office, including electors of president and vice-president of the United States to be filled by election within the state. A convention, within the meaning of this chapter is an organized assemblage of delegates representing a political party, or organization. If such convention be assembled to present candidates for public office to be elected within territory, or political division in the whole of which the provisions of sections thirteen hundred and fifty-seven to thirteen hundred and seventy-five, both inclusive of this code are mandatory or were in force and effect at the time of the election of delegates thereto, then and in such event all the delegates acting therein must have been chosen at a primary election held under the provisions of said sections of this code. If such convention be assembled to present candidates for public office to be elected within territory in a portion of which the said sections of this code are mandatory or in force and effect, and in a portion of which said sections are not in force or effect, then and in such event the delegates acting in such convention representing there in territory or a political division where such said sections are in force and effect, must have been chosen at a primary election held under the provisions thereof. If such convention be assembled to present candidates for public office to be elected within territory or a political division in no portion of which said sections of this code are mandatory or in force and effect, then and in such event the political party which such organized assemblage of delegates represents, must have at the last election before the holding of such convention polled at least three per cent of the entire vote of the state, or of the county, city and county, district, or other political division for which nominations are to be made; *provided*, that in any political division of this state wherein no general election shall have been held after its organization, a convention as last above referred to, of any political party polling at least three per cent of the votes cast in the precincts composing said political division, shall have the same power, and its nominations the same effect as though such political division had been organized before the next preceding general election. Any conventions as herein defined may, in addition to making nominations of candidates for public office, appoint or elect a governing committee for the political party which the delegates in such convention represent, for the territory which is thus represented, which committee shall serve for the next ensuing two years, and until the next biennial convention of the party which it represents has organized, but no longer; *provided*, that in years when a state convention assembles to select delegates to a national convention to nominate a candidate for president and for vice-president of the United States, such state convention shall have the power to choose a committee or governing body to represent the party in the territory which such convention represents, which committee or governing body shall hold and exercise its power until the next state convention to nominate a governor and other state

officers shall assemble and select its successors. Whenever there shall be in any political subdivision of the state more than one body claiming to represent a certain political party or organization in such territory, if such political party have a state committee, such state committee or its executive committee, if it have one, and has delegated such power to it, may determine which of such bodies represents such political party in such territory, and such decision shall be final and all officers shall be bound thereby. The decision shall be in writing, and shall name the chairman and secretary of the political committee for such political subdivision which it recognizes, and shall be attested by the secretary of the committee making the decision, and a duplicate must be filed with the election commissioners of such political subdivision or its clerk, secretary, or registrar of voters.

Every certificate of nomination where the nominations have been made by a convention or where a vacancy is filled by certificate made by a committee appointed by a convention, must set forth that the party which held such convention had at the last preceding election before the holding of such convention, cast at least three per cent of the entire vote of the state, or of the county, city and county, district, or other political division for which such nominations were made. In determining the question whether such political party had cast such three per cent of such vote as specified in this section the vote shall be considered and computed only, which was cast for a candidate or candidates, of such party at said last preceding election, who was not, or were not previously, nominated by a convention of any other political party or organization than the party holding the convention referred to in such certificate.

What certificate of nomination must show.

No such certificate of nomination by a convention or by such a committee shall be filed if it appear from the official vote, of record, in the office of the secretary of state, or of the officer with whom such certificate is required to be filed, that such party had not polled three per cent of the entire vote at the last preceding election, as required by this section; and the officer to whom such certificate is presented is required to examine such official vote so of record and to ascertain such fact.

When certificate shall not be filed.

SEC. 7. Section 1188 of the Political Code is hereby amended to read as follows:

1188. A candidate for public office may be nominated otherwise than by a convention, in the manner following: A certificate of nomination containing the name of the candidate to be nominated, with the other information required to be given in the certificates provided for in section eleven hundred and eighty-seven of this code, shall be signed by electors residing within the district or political division for which candidates are to be presented equal in number to at least three per cent of the entire vote cast at the last preceding election in the state, district, or political division for which the nomination is to be made. Said petitioners may also designate any number of

Nominations other than by conventions.

persons, not less than seven nor more than twenty-five, each and all of whom shall be signers to said petition to constitute a committee representing the signers of said certificate, collectively, as a political party by any name selected and adopted by them in said certificate of nomination; *provided*, that said name is not the same or so similar to that of any existing party as to mislead voters. The said committee so designated shall constitute the governing body or committee of said party. Each such certificate must be a separate paper and contain the name of one signer thereto and no more. In addition to the other matter required to be set forth in such certificate it must also set forth that the signer has not been elected as a delegate to any political party convention, authorized to make nominations for public office mentioned in the certificate, that he has not in any political convention as a delegate voted for or against the nomination of a candidate for any public office mentioned in such certificate; that he has not voted at any primary election for delegates to any political convention having power to nominate a candidate for any public office mentioned in the said certificate; that he has not joined in any manner in nominating any other candidate or candidates for the same office, or in nominating the same candidate or candidates for the same office under another, or different political party name or designation. The signature must be made by the party signing at the end of the certificate, and must add thereto his place of residence and occupation, giving street and number, where such street and number or either exist, and if no street or number exist then such a description of the place of residence, if in a city, or city and county, as will enable the location to be readily ascertained. Each such signer must verify such certificate by making oath that the same is true, before an officer authorized to take an oath in this state, and in the place where said oath is taken, which oath must be certified as required for an affidavit. Any person who signs any name other than his own to such certificate or makes a false oath to such certificate shall be punishable by fine not exceeding five hundred dollars, or imprisonment in a state's prison for a term not exceeding five years. The said certificates must be fastened together and bound by precincts and arranged in all respects in the manner and form required for the arrangement, binding and fastening of original affidavits of registration by the provisions of section eleven hundred and thirteen of the Political Code; and each such book or package must have endorsed upon the outside the number of the precinct, and for which assembly district, as the same are numbered in the county, city, or city and county, and the name of the political party or organization, which is designated in the certificates, and no such certificates shall be received or filed by any officer to whom the same are required by law to be presented unless the same comply with the provisions of this section. The clerk or officer to whom any such certificates is presented for filing is authorized and directed to strike out or disregard the name or names of any electors who, upon exam-

Each certificate must be a separate paper.

Each signer must verify certificate.

Certificates must be bound.

Duty of clerk.

ination of the voting register, or otherwise may be found to have signed such certificate or certificates or any thereof, in violation of the provisions of this section. The county clerk or registrar of voters shall upon demand of the secretary or chairman of any political organization who in writing requests it and states the name of the organization, and the territory for which nominations are to be made, shall deliver a written copy of the precinct boundaries for such political division when adopted.

Any number of electors not less than five residing within the territory or political subdivision for which they desire to present a candidate or candidates, pursuant to this section, or who desire to present a petition to participate in a primary signed by electors pursuant to section thirteen hundred and sixty-one of the Political Code, may present a written or printed petition signed by such electors, setting forth such desire and intention signed by them and verified by at least one thereof to the county clerk, registrar of voters or clerk of the body having control of elections in the political subdivision for which nominations are to be made. If such nomination or nominations are to be made for a state or district office embracing more than one county or city and county then such petition may be presented by a similar number of electors in the same manner to the county clerk or registrar of voters in each county or city and county in the state or district as the case may be. Such petition must specify the territory for which the petitioners desire to nominate candidates for public office, the name or political designation under which such candidates or delegates at a primary election as above referred to will appear, and that the petitioners desire to proceed to procure the necessary signatures of electors to so nominate such candidates or to so participate in such primary election (as the case may be) and to have the same verified and arranged as required by law, and that they desire to have the persons whose names are set forth in such petition, in the manner hereby required, appointed as "special verification deputies." The petition must give the full name of each such proposed special verification deputy, adding his name and address with street and number, where there is such, and occupation, and state that each such person is a citizen of the United States and a qualified and registered elector within the county, city, or city and county for which he is to act under this section, and that he can read and write the English language, and upon the receipt of such petition the county clerk, registrar of voters, or person to whom the same is lawfully presented pursuant to this section shall forthwith examine the same, and as soon as examined if it be in accordance with the requirements of this section such officer shall file the same and immediately appoint such persons as such special verification deputies in the manner and to the number herein provided. The number to so be appointed shall not exceed one for each five hundred voters registered at the last preceding general election within the territory for which such deputies may act

Petition to participate in primary elections.

"Special verification deputies."

Number of, to be appointed.

under their appointment under this section, nor in any event the number whose names are as aforesaid specified in the said petition requesting their appointment. If the officer to whom the said petition is presented shall find the persons whose appointment is requested to be registered electors as required, he shall appoint them as herein provided not to exceed the number aforesaid. The appointments shall be by writing signed and sealed by the officer making the same and be substantially in the following form:

Form of
appointment.
ment.

This is to certify that (insert name and address in full, and occupation) is hereby appointed pursuant to section eleven hundred and eighty-eight of the Political Code, as a special verification deputy with all the powers provided by that section and none other and is authorized to take the oath of any signer who shall in his presence sign a certificate of nomination under section 1188 of the Political Code or a petition paper under section 1361 of the Political Code by electors. (Stating under which section, and omitting reference to the other, as the case may be,) where the paper so signed refers to and designates the (insert the name of the political party or organization as set forth in the petition requesting the appointment of such deputies) within the (insert the designation of the territory for which the petition requests appointments to be made not to exceed a county or city and county or the territory for which the officer making the appointments has power to act,) under and pursuant to law and a petition filed in the office of (insert the office where filed) upon the —— day of —— (insert the day and year of filing).

Oath of
appointee.

Each such certificate of appointment must also be dated and made in duplicate and be delivered only to the appointee in person upon his application therefor, and before delivery such appointee must, before the officer issuing the same or his deputy, sign and subscribe an oath annexed to such certificates, or following the same in duplicate, to the effect that he is the person named therein and resides at the address specified therein, that he accepts such appointment, and will perform the duty enjoined upon him by this section, and thereupon such certificate with such oath, shall be delivered in person to the special verification deputy named therein and the duplicate filed in the office from which the appointment issues, and be kept for three years. The special verification deputy shall thereupon be authorized and empowered to take the oath of verification required by this section, or required by or to a petition by electors under section 1361 of the Political Code (as the case may be) and sign and certify the same in the form required by this section, and no seal of office need be impressed or used in certifying such oath, but he cannot take any oath for any other purpose whatever, or outside of the territory specified in his appointment, nor certify the oath of any such signer residing outside of the territory so named in his certificate of appointment. If any such special verification deputy shall certify any such oath, not subscribed and sworn in his presence, or shall willfully or knowingly certify such an oath, as to any

Authority
of deputy.

person who does not reside at the place specified as the residence of the signer, whose oath is so taken, or as to any person who does not sign his true name to such oath shall upon conviction be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a state prison for a term not exceeding five years. Upon the expiration of the time fixed by law, when the certificate of nomination provided for by this section, or the petition by electors, provided for by section 1361 of the Political Code, (as the case may be) must be presented to the proper officer for filing all authority of such special verification deputy under his appointment shall wholly cease and determine. No charge or fee of any nature for any service by any such special verification deputy shall under any circumstances be made against or paid by the state or any county, city, city and county, or political subdivision.

When authority shall cease.

SEC. 8. This act shall take effect and be in force from and after July 1st, 1907.

When act shall take effect.

CHAPTER 346.

An act to amend an act entitled "An act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections to be designated as sections 1044, 1133, 1120, 1151 and 1121, and to repeal an act entitled "An act in relation to municipal elections where the same are held separate from general state elections, and elections held under the authority of section eight of article eleven of the constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an act entitled an act in relation to elections held under the authority of section eight, of article eleven of the constitution approved March 31, 1897," approved March 4, 1899, all relating to elections.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered ten hundred and forty-four, and to read as follows:

1044. Except in the particulars or cases otherwise provided for in the constitution or laws of the state or by the provisions of a freeholder charter duly adopted or amended pursuant to the constitution of this state, all municipal elections, where the same are held separate from state elections, and all elections held under the authority of section eight of article eleven of the constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters, and all other special elections, including all special

Conduct of municipal elections.

elections to vote upon or for or against any proposition or question authorized to be submitted to a vote, shall be conducted under the provisions of sections 1044, 1133, 1120, 1051 and 1121 of this code.

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

Establishment of special election precincts.

1133. The board or governing body charged with the conduct of carrying on any of the elections mentioned in section 1044 of this code may precinct, or subdivide, the municipality or territory within which such election is to be held, into special election or consolidated election precincts, for the holding of such elections, and change and alter such precincts for such elections, as often as occasion may require. In establishing such election precincts referred to in this section, such board or governing body having control of such elections, may consolidate the precincts which existed for the holding of the last preceding general state election, to a number not exceeding three for each special election or consolidated election precinct, and shall number such precincts so established, consecutively, and each precinct so established shall for the purpose of such election be known by the number so designated.

SEC. 3. A new section is hereby added to the Political Code, to be numbered eleven hundred and twenty, and to read as follows:

Qualification of voters.

1120. All persons shall be entitled to vote at the elections mentioned in section 1044 of this code, who come within the terms or comply with the requirements of this section. Every person who was a qualified elector at the general state election immediately preceding the holding of any of the elections mentioned in section 1044 of this code, and who was registered as required by law as a qualified elector of any one of the precincts which together compose the special election or consolidated precincts, and who continues to reside within the exterior boundaries of such special election or consolidated election precinct, until the time of the holding of the election provided for and held under said section 1044, shall be entitled to vote at said election, without other or additional registration.

Registration.

All other persons in order to be entitled to vote at any of the elections provided for in said section 1044, must be registered in the manner required by sections 1094, 1096 and 1097 of this code, as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. Such registration must be made and had in accordance with the provisions of sections 1094, 1096, and 1097 of the Political Code, *provided* that such registration shall be in progress at all times except during the thirty-five days immediately preceding any such municipal election, in all municipalities in which the registration of voters at the last preceding municipal election exceeded seventy thousand, and at all times except the twenty-five days immediately preceding any other municipal or special election held under said section 1044 of this code.

SEC. 4. A new section is hereby added to the Political Code to be numbered eleven hundred and fifty-one, and to read as follows:

1151. The board or governing body charged with the conduct of elections shall appoint a board of elections for each special election or consolidated election precinct, to consist of two inspectors, two judges, two clerks and two ballot clerks, for each municipal election, provided for by section 1044 of this code, and a board of election for each such precinct to consist of one inspector, one judge, one clerk, and one ballot clerk, for every special election provided for in said section 1044 of this code, who shall apportion among themselves the work and labor required to conduct such election within their respective election precincts. But one poll list, one tally list, and one copy of such tally list as provided for in section 1261 of the Political Code need be kept, and but one book of original affidavits of registration. These shall be returned to the proper officers with the official returns, in the same manner provided for the returns at a general election. Said election officers are to be apportioned equally between the two political parties which, respectively, cast the highest and next highest number of votes for governor at the last preceding general state election.

Board of election.

Poll lists, etc.

SEC. 5. A new section is hereby added to the Political Code to be numbered eleven hundred and twenty-one, and to read as follows:

1121. The register used at each special election or consolidated election precinct, at the elections provided for in section 1044 of this code, shall consist of the original affidavits of registration for the territory constituting such special election or consolidated election precinct, at the last general state election immediately preceding the holding of the election provided for in said section 1044, together with a supplement or supplements showing the additional names of the persons who by registration have since such general state election become entitled to vote at any of the elections to be held in such precinct, under said section 1044 of this code. In the event that precinct registers were used at the last preceding general state election then it shall be the duty of the county clerk or person clothed with the authority for the registration of voters, to furnish such original affidavits of registration with the supplements aforesaid, for each of the special election or consolidated precincts, to the boards of election, respectively, in and for each such election precinct. No person shall be entitled to vote at any such election provided for in said section 1044 of this code, unless his name is registered by such original affidavit of registration, in the precinct within the exterior boundaries of the election precinct, or unless, according to the constitution and laws of this state, he is entitled to vote thereat.

Register to be used.

Duty of county clerk.

SEC. 6. The act entitled "An act in relation to municipal elections where the same are held separate from general state elections, and elections held under the authority of section eight of article eleven of the constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amend-

Repeal of acts of 1897 and 1899.

ments to existing charters, and to repeal an act entitled an act in relation to elections held under the authority of section eight of article eleven of the constitution, approved March 31, 1897," approved March 4, 1899, is hereby repealed.

SEC. 7. This act shall take effect immediately.

CHAPTER 347.

An act to amend an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, and as amended June 13, 1906, by amending section 2 thereof relating to a license tax upon corporations, and adding a new section thereto for the purpose of carrying out the provisions of this act.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

License tax upon corporations.

SECTION 1. Section two of an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, and amended June 13, 1906, is hereby amended to read as follows:

License, of whom procured.

Section 2. It shall be the duty of every corporation incorporated under the laws of this state, and of every foreign corporation now doing business, or which shall hereafter engage in business in this state, to procure annually from the secretary of state a license authorizing the transaction of such business in this state, and shall pay therefor a license tax as follows:

Amount of tax.

When the authorized capital stock of the corporation does not exceed ten thousand dollars (\$10,000) the tax shall be ten dollars (\$10.00); when the authorized capital stock exceeds ten thousand dollars (\$10,000) but does not exceed twenty thousand dollars (\$20,000) the tax shall be fifteen dollars (\$15.00); when the authorized capital stock exceeds twenty thousand dollars (\$20,000) but does not exceed fifty thousand dollars (\$50,000) the tax shall be twenty dollars (\$20.00); when the authorized capital stock exceeds fifty thousand dollars (\$50,000) but does not exceed one hundred thousand dollars (\$100,000) the tax shall be twenty-five dollars (\$25.00); when the authorized capital stock exceeds one hundred thousand dollars (\$100,000) but does not exceed two hundred and fifty thousand dollars (\$250,000) the tax shall be fifty dollars (\$50.00); when the authorized capital stock exceeds two hundred and fifty thousand dollars (\$250,000)

but does not exceed five hundred thousand dollars (\$500,000) the tax shall be seventy-five dollars (\$75.00); when the authorized capital stock exceeds five hundred thousand dollars (\$500,000) but does not exceed two million dollars (\$2,000,000) the tax shall be one hundred dollars (\$100.00); when the authorized capital stock exceeds two million dollars (\$2,000,000) but does not exceed five million dollars (\$5,000,000) the tax shall be two hundred dollars (\$200.00); when the authorized capital stock exceeds five million dollars (\$5,000,000) the tax shall be two hundred and fifty dollars (\$250.00).

Said license tax or fee shall be due and payable on the first day of July of each and every year to the secretary of state, who shall pay the same into the state treasury. If not paid on or before the hour of four o'clock P. M. of the first day of September next thereafter, the same shall become delinquent and there shall be added thereto, as a penalty for such delinquency, the sum of ten dollars.

When tax is payable.

The license tax or fee hereby provided authorizes the corporation to transact its business during the year or for any fractional part of such year in which such license tax or fee is paid. "Year," within the meaning of this act, means from and including the first day of July to and including the thirtieth day of June next thereafter.

"Year" defined.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of forty thousand (\$40,000) dollars, for the purpose of carrying out the objects of this act, to be used by the secretary of state in the employment of a license superintendent and cashier; one permanent clerk; such other clerks from time to time as may be necessary; for the purchase of the necessary desks, furniture, stationery, books, postage, and for the necessary printing, ruling, binding and materials furnished by the state printing office and for all other necessary incidental expenses, to be used and expended during the balance of the fifty-eighth, and during the fifty-ninth and sixtieth fiscal years, and the state controller is hereby directed to draw his warrant for any claim against said amount, the same having been approved by the state board of examiners, and the treasurer is hereby directed to pay the same.

Appropriation for carrying out objects of act.

SEC. 3. This act shall take effect and be in force from and after April 1, 1907.

CHAPTER 348.

An act to add a new section to the Penal Code to be numbered section fifteen hundred and twenty, relating to the holding of inquests by the coroner.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section fifteen hundred and twenty, to read as follows:

District attorney may be present.

1520. The district attorney shall have the right to be present at any and all inquests held by the coroner when he has reason to believe a crime has been committed.

SEC. 2. This act shall take effect immediately.

CHAPTER 349.

An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Bonds for county highways, appointment of commission.

SECTION 1. The board of supervisors of any county in the state, upon receiving a petition signed by freeholders electors of the county equal in number to at least ten per cent of the vote cast for governor in said county at the last election, praying that the matter of issuing bonds of the county for highway purposes be submitted to the electors of the county, may appoint a highway commission for such county, who shall perform the duties hereinafter specified.

Of whom commission shall consist.

SEC. 2. Said highway commission shall consist of three members, who shall be, and have been for two years, bona fide residents and freeholders of such county, and shall be especially qualified to have charge of the improvement of highways. Said commissioners shall be appointed to serve

for the term of two years and until their successors are appointed and qualified, and any vacancy in the commission shall be filled by appointment for the unexpired term; *provided however*, that when the proposition for the issuance of bonds fails to carry at the election held under section seven of this act, or when all the highway improvements for which bonds are voted under said section seven are completed, or, if there is a surplus in the highway improvement fund after completion thereof, when said surplus has been expended on other highways, the existence of said highway commission shall cease. Thereafter another commission may be appointed under section one hereof. Each commissioner shall give a bond for the faithful performance of his duties, to be approved by the board of supervisors, in such amount as said board may require.

Term of office.

Bond.

SEC. 3. For the purpose of this act a main public highway is defined to be a highway connecting different cities and towns in the same or different counties, or connecting any city or town in one county with the public highway system of another county. Provision may be made under this act for the improvement of any number of such highways jointly, to be paid for with the proceeds of one bond issue.

Main highway defined.

SEC. 4. Immediately upon their appointment said commission shall proceed with all diligence to investigate carefully the main public highways of the county and the condition thereof, and to have made a map showing said main public highways, their connections, and such other information in regard thereto as the commission may deem necessary for carrying out the purposes of this act, and to ascertain which of said main public highways should be improved by the issuance of bonds, and the kind of improvements to be made thereon, and to estimate the cost of such improvements.

Duty of commissioners.

SEC. 5. With the consent of the board of supervisors they may employ a competent engineer or engineers and other experts, at the cost of the county, to make any necessary surveys and prepare said map, and to assist the commission in determining the best material to be used and the best manner of making such improvements and the cost thereof. All surveys made for the purpose of determining the location of highways shall be approved by the county surveyor before the same as adopted by the commission.

Employment of engineer.

SEC. 6. After having ascertained what improvements should be made, and the estimated cost thereof proposed to be covered by a bond issue, the commission shall make and file with the board of supervisors a report setting forth the main public highway or highways proposed to be improved, by their termini, describing generally the kind of improvements to be made thereon, and stating the estimated cost of the work to be done, and the amount to be raised by bonds therefor, and praying the said board of supervisors to call an election for the issuance of bonds of the county therefor, for the estimated amount.

Report to board of supervisors.

Election to determine whether bonds shall be issued.

SEC. 7. If said report is not approved by the board of supervisors they may refer it back to said commission for further consideration. If the board approve the report they shall adopt the same, and shall without delay call an election to determine whether bonds of the county shall be issued in the amount recommended by the commission, for the purposes stated in their report. Said election shall be called and held and said bonds issued, sold and paid under and in accordance with all the provisions of law now or hereafter existing in regard to the issuance, sale and payment of county bonds, and all proceedings had in regard to such bonds shall be in accordance with such provisions of law; *provided however*, that the board may form bond election precincts by consolidating the precincts established for general election purposes to a number not exceeding six for each bond election precinct, and shall appoint only one inspector, two judges and one clerk for each bond election precinct, *and provided further*, that it shall be sufficient to set forth the purpose of the bond issue in said proceedings by describing the highways to be improved as the same are described in said report of the highway commission. Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

Sale of bonds.

SEC. 8. Said bonds shall not be sold for less than par, and the proceeds thereof shall be paid into the treasury of the county and placed in a special fund to be denominated the "highway improvement fund"; and shall be used solely for the purposes set forth in said report of the highway commission, or such other purposes as are authorized by this act; *provided* that if there shall be any surplus of funds voted for the improvement of any road or roads after the completion thereof, such surplus may be used for the improvement of other main public highways, under the control and direction of the highway commission. The highway commission may receive and accept donations from any person for any work which they are authorized to have done, and the same shall also be paid into the said fund. No moneys shall be paid out of said fund except upon the warrant of the auditor of said county issued upon the order of the highway commission, duly allowed by the board of supervisors thereof.

Surplus of funds.

Donations.

Supervision of work.

Plans and profiles.

SEC. 9. The doing of the work for which said bonds are issued shall be under the supervision and direction of the highway commission; *provided* that the final acceptance thereof shall be by the board of supervisors. As soon as the funds raised by the sale of said bonds are in the treasury the commission shall proceed to prepare detailed specifications, plans and profiles for the work to be done, or for such parts of it as they deem it advisable to have done separately, if they have not already done so, and for this purpose they may hire assistants, with the consent of the board of supervisors; and they shall then present said specifications, plans and profiles, with their recommendations in regard to the

doing of the work and letting of contracts to the board of supervisors, who shall either adopt or reject the same as presented. If the board adopt the same they shall thereupon advertise for bids for doing the said work, or any part thereof which the highway commission recommend should be done separately, in accordance with said plans, profiles, and specifications, by publishing a notice for ten days in a daily newspaper or two weeks in a weekly newspaper published at the county seat. Every contract for doing any part of said work shall be let, after advertisement as above provided, to the lowest responsible bidder who will give security for the faithful performance of his contract, with sureties satisfactory to the board of supervisors, in such amount as they may fix, which shall be stated in said advertisement; *provided however*, that the board may authorize the highway commission to make contracts, without advertisement, for any part of said work the cost of which does not exceed one thousand dollars; *and provided further*, that the board may reject all bids and may thereupon readvertise for bids for doing any part or the whole of said work, or in their discretion authorize the highway commission to purchase the necessary material, purchase or hire tools and appliances, and hire laborers, and to do the work or any part thereof without letting any contract therefor. In such case all contracts for materials, tools or appliances, amounting to more than one thousand dollars in value shall be let by the commission to the lowest responsible bidder, after advertisement as above provided. Said commission may, with the consent of the board of supervisors, hire all necessary engineers, inspectors and superintendents to supervise the performance of said contract, or to have charge of the doing of said work without contract.

Board shall advertise for bids.

Bond of contractor.

May be done without contract, when.

SEC. 10. All improvements constructed under this act shall be of a durable and lasting character, and not flimsy or temporary. The macadamized or paved portion of the roadbed constructed on any highway or portion thereof improved under this act, shall not exceed sixteen feet in width, unless donations are made to the highway commission for that purpose, in which case such donations may be used to defray the increased cost of constructing such macadamized or paved roadbed more than sixteen feet wide on any part of such highway specified by the donors; but no part of the proceeds of any bond issue shall be expended for such purpose. No railroad, electric road, or street railroad shall be constructed along or upon any highway, or any portion thereof, improved under the provisions of this act, except for crossings duly authorized by the board of supervisors or other legislative body having control thereof, nor shall any board of supervisors or other legislative body have power to grant any franchise for the construction of any railroad, electric road, or street railroad along or upon any such highway or portion thereof, except for crossings.

Improvements must be durable.

Highway shall not be used by railroad.

Con-
demnation
of land.

SEC. 11. Whenever the highway commission shall deem it necessary the board of supervisors may, on their recommendation, cause any highway they propose to improve to be widened, straightened or altered, and for that purpose they may acquire land in the name of the county by donation or purchase; and may order the condemnation of such land and direct the district attorney to bring an action in the name of the county for that purpose under the provisions of the Code of Civil Procedure in relation to eminent domain. In such action the order of the board of supervisors shall be conclusive evidence of the regularity of all prior proceedings. The cost of purchasing or condemning such land shall be paid out of the highway improvement fund.

Incorpo-
rated city
may
improve
portion of
highway.

SEC. 12. No part of any highway lying within the corporate limits of any incorporated city or town shall be improved under the provisions of this act; but, when any highway which is being so improved shall pass through any incorporated city or town, said city or town is hereby authorized to improve the portion of such highway lying within its corporate limits, and for the purpose of raising the necessary funds therefor, to issue bonds in such manner as may be provided by law for the issuing of bonds by such city or town for public improvements.

Repairs.

SEC. 13. All necessary repairs to any highway improved under this act shall be made by the same officers who may be charged with the duty of repairing other highways of the county, and the cost of such repairs shall be paid out of the general fund of the county.

Highway
com-
mission
to file
statement,
when.

SEC. 14. Said highway commission shall, at least once in every six months, make and file with the board of supervisors a detailed statement of their proceedings, showing the amount of money in the highway improvement fund at the time of their last statement, the amount of all donations since received, and the purposes for which said donations were made, the amount since expended, with the purposes for which it was expended and the balance remaining, the contracts entered into or other obligations incurred by them and still outstanding, the highways in course of improvement or completed since their last statement, and the condition of the work on each, together with any other information that they may consider of interest to the public.

Per diem
of com-
missioners.

SEC. 15. Each member of said highway commission shall receive a per diem of five dollars for each day actually and necessarily spent in the discharge of his duties, together with his actual necessary traveling expenses, to be allowed by the board of supervisors and paid monthly. Said per diem and expenses and all other demands against the county which said highway commission are authorized to incur shall be paid out of the general fund of the county until there shall be money in the highway improvement fund derived from the sale of bonds, whereupon the general fund shall be reimbursed from the highway improvement fund for the amounts so expended, and thereafter said per diem and expenses and other demands

From what
fund paid.

shall be paid out of said highway improvement fund; *provided however*, that after the preparation and filing of their report and recommendation for the issuance of bonds the members of said highway commission shall not receive any per diem or expenses unless there is money in said highway improvement fund to pay the same.

SEC. 16. This act shall take effect immediately.

CHAPTER 350.

An act to regulate the conduct of election campaigns, and repealing an act entitled "An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Every candidate who is voted for at any public election held within the state shall, within fifteen days after the day of holding such election, file, as hereinafter provided, an itemized statement, showing in detail all moneys paid, loaned, contributed, or otherwise furnished to him, or for his use, directly or indirectly, in aid of his election, and all moneys contributed, loaned, or expended by him, directly or indirectly by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who paid, loaned, contributed, or otherwise furnished such moneys in aid of his election, and the names of the various persons to whom such moneys were contributed, loaned or paid, the specific nature of each item, the service performed, and by whom performed, and the purpose for which the money was expended, contributed or loaned.

Itemized
statement
to be
filed by
candidate.

If the candidate seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out such illegal payment and disclaim responsibility therefor. Candidates for office to be filled by the electors of the state, or of any political division thereof greater than a county, and for members of the senate and assembly, representative in congress, or for members of the state board of equalization, or state board of railroad commissioners, shall file their statements in the office of the secretary of state. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised. The statement of a com-

Avoiding
illegal
payments
by other
persons.

Statement of committee, where filed. mittee or candidate shall be recorded in the office of the county recorder, and shall, after being filed, become a public record, and open at all times to public inspection.

Vouchers. Vouchers must be filed for all expenditures, except in the case of sums under five dollars.

Duty of committee. SEC. 2. Every committee organized for the purpose, or charged with the duty of conducting the election campaign of any political party, or of any candidate or candidates, shall appoint a treasurer, who shall receive and disburse all moneys contributed for such campaign purposes, and keep a true account thereof, and shall, in the same manner as herein required of candidates, file an itemized statement of all money received or disbursed by him as such treasurer.

What are legitimate expenses. SEC. 3. No sum of money shall be paid and no expense incurred by or on behalf of any candidate or campaign committee as defined in section two of this act, or any body of superior authority, to which such committee is subject, if any, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, except for the expenses of holding and conducting public meetings for the discussion of public questions, and of printing and circulating specimen ballots, handbills, cards, and other papers previous to such election, and of advertising and of postage, expressage, telegraphing, and telephoning, and of supervising the registration of voters, and watching the polling or counting of votes cast at such election, and of salaries of persons employed in transacting business at office or headquarters and necessary expenses of maintaining the same, and for rent of rooms necessary for the transaction of the business of candidate or committee, or superior authority to which such committee is subject, if any, and for necessary incidental expenses, which shall not exceed the sum of one hundred dollars, if expended by a candidate, or one thousand dollars, if expended by a committee; and no sum shall be paid and no expense shall be incurred, directly or indirectly, by or on behalf of a candidate, whether before, during, or after an election, on account of or in respect of the conduct and management of an election at which he is a candidate, in excess of the maximum amount following, that is to say: if the term of the office for which the person is a candidate be for one year or less, five per centum of the amount of one year's salary of the office; if the term be for more than one year, and not more than two years, ten per centum of the amount of one year's salary of the office; if the term be for more than two years, and not more than three years, fifteen per centum of the amount of one year's salary of the office; if the term be for more than three years, and not more than four years, twenty per centum of the amount of one year's salary of the office; if the term be for more than four years, ten per centum of the amount of one year's salary of the office; if the office be one for which, in lieu of a salary, there is allowed per diem, for a statutory period, or for the number of days actually engaged in the performance of public duties, twenty-five per

Amount that can be expended by candidate or in his behalf.

centum of the amount to accrue for the statutory period; if the office be one for which in lieu of a salary, a yearly sum is allowed the officer for all the expenses of his office, the expenditures of the candidate for such office shall not exceed the amount of ten per centum of the allowance for such office for one year; if the office be one for which no salary or compensation is allowed, except fees, or a salary not exceeding nine hundred dollars per annum and fees, the expenditures of the candidate for such office shall not exceed the amount of one hundred and fifty dollars; if the office be one for which no salary or compensation is allowed, or for which a per diem is allowed for the days actually employed in the performance of a public duty, the expenditures of the candidate for such office shall not exceed one hundred dollars; if the candidate is also at the same time a candidate for an unexpired term, he shall not pay or expend any sum on account of such unexpired term, but the maximum amount to be expended by such candidate shall be as herein above provided.

Sec. 4. Every claim payable by a committee as defined in section two of this act on account of or in respect of any expense incurred in the conduct and management of an election held within this state, or on behalf of the candidates of the political party, organized assemblage, or body which such committee represents, must be presented to the committee within ten days after the return day of the election, and if not so presented, the same shall not be paid, and no action shall be commenced or maintained thereon, and all expenses incurred as aforesaid shall be paid within fifteen days after the completion of such official canvass, and not otherwise. Every claim in respect of any expenses incurred by or on behalf of a candidate at an election held within this state on account of or in respect of the conduct or management of such election shall be presented to such candidate within ten days after the day of election, and if not so presented, the same shall not be paid, and no action shall be instituted or maintained thereon; and all such expenses incurred as aforesaid must be paid within twelve days after the day of election, and not otherwise. Any person who makes a payment in contravention of this section, except where such payment is allowed, as provided by this act, is guilty of a misdemeanor.

Sec. 5. The superior court of the county in which such statement is filed or is required to be filed, may, on the application of either the committee or candidate, or a creditor of either allow any claim, not in excess of the maximum amount allowed by this act, to be presented and paid after the time limited by this act; and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee or candidate in the same office as the original statement of the committee or candidate. If the candidate or committee, upon such application, shall show to the satisfaction of said court that any error or false recital in such statement, or that the failure to make such state-

When claims must be presented.

Non-presentation within prescribed time, effect of.

Claims presented after time limit, how may be paid.

ment or to present, within the designated time, a claim otherwise just and proper, has been occasioned by the absence or illness of such candidate, or by the absence, illness or death of one or more members of such committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or of any reasonable cause of a like manner, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application as the court shall require, and on the production of such evidence of the facts stated in the application as shall be satisfactory to such court, by order, allow such statement to be filed, or such error or false recital therein to be corrected, or such claims to be paid, as to the court seems just; and such order shall relieve the applicant from any liability or consequences under this act in respect of the matters excused by the order. If the application is made by a creditor, the court may, under like conditions and upon a like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors may be united in such application, but the amount and specific nature of each claim must be fully stated.

Applica-
tion may
be made by
creditor.

Rooms
must not
be rented
where in-
toxicating
liquors are
sold.

SEC. 6. No payment of any money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, or for holding a meeting, or for the purpose of promoting the election of a candidate, or on account of, or in respect to the conduct or management of, an election, where intoxicating liquors are sold for consumption on the premises, or where intoxicating liquor is supplied to members of any club, society, or association; *provided*, that nothing in this section shall apply to any part of such premises which is ordinarily let for the purposes of offices, or for holding public meetings, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Name of
printer.

SEC. 7. Every bill, placard, poster, pamphlet or other printed matter having reference to an election, or to any candidate, shall bear upon the face thereof the name and address of the printer and publisher thereof, and no payment therefor shall be made or allowed unless such address is so printed.

Act of 1893
repealed.

SEC. 8. An act entitled "An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and all other acts and parts of acts inconsistent with this act are hereby repealed; *provided* that no provision of this act shall be construed so as to repeal any provision of Title IV of Part I of the Penal Code, entitled "of crimes against the elective franchise."

Penalty.

SEC. 9. Any person offending against any of the provisions of this act shall be guilty of a misdemeanor, and be dealt with as provided in the Penal Code.

SEC. 10. A person offending against any provisions of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or lawful investigation or judicial proceeding, in the same manner as any other person. If such person demands that he be excused from testifying on the ground that his testimony may incriminate himself, he shall not be excused, but in that case the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony, and he shall not thereafter be liable to indictment or presentment by information, nor to prosecution or punishment for the offense with reference to which his testimony was given. No person shall be exempt from indictment, presentment by information, prosecution or punishment for the offense with reference to which he may have testified as aforesaid when such person so testifying does so voluntarily or when such person so testifying fails to ask to be excused from testifying on the ground that his testimony may incriminate himself, but in all such cases the testimony so given may be used in any prosecution or proceeding, civil or criminal, against the person so testifying. Any person shall be deemed to have asked to be excused from testifying under this section unless, before any testimony is given by such a witness, the judge, foreman or other person presiding at such trial, hearing, proceeding or investigation, shall distinctly read this section to such witness, and the form of the objection by the witness shall be immaterial if he in substance makes objection that his testimony may incriminate himself, and he shall not be obliged to object to each question, but one objection shall be sufficient to protect such witness from prosecution for any offense concerning which he may testify upon such trial, hearing, proceeding or investigation.

Who is competent witness.

This section to be read to witness.

SEC. 11. This act shall take effect and be in force from and after its passage.

CHAPTER 351.

An act to amend section 1372 of the Political Code relating to primary elections.

[Approved March 10, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1372 of the Political Code is hereby amended so as to read as follows:

1372. This chapter and each and every provision thereof shall be obligatory and mandatory in cities, and cities and counties, having a population of over seven thousand five hundred, according to the last general census of the government of

Primary elections.

Where this chapter mandatory.

the United States, and for this chapter and its purposes the population of the cities, and the cities and counties, in which this act is hereby made obligatory and mandatory, is hereby declared to be as follows:

The city and county of San Francisco, three hundred and forty-two thousand seven hundred and eighty-two;

The city of Los Angeles, one hundred and two thousand four hundred and seventy-nine;

The city of Oakland, sixty-six thousand nine hundred and sixty;

The city of Sacramento, twenty-nine thousand two hundred and eighty-two;

The city of San José, twenty-one thousand five hundred;

The city of San Diego, seventeen thousand seven hundred;

The city of Stockton, seventeen thousand five hundred six;

The city of Alameda, sixteen thousand four hundred sixty-four;

The town of Berkeley, thirteen thousand two hundred fourteen;

The city of Fresno, twelve thousand four hundred seventy;

The city of Pasadena, nine thousand one hundred seventeen;

The city of Vallejo, seven thousand nine hundred sixty-five.

Where optional.

In all other portions of the respective counties in which the cities above named are respectively situate, and in all other cities, and cities and counties, and in all other counties of the state, and in all political subdivisions of a lesser population, this chapter shall be optional, and shall be in force therein only upon and after a majority vote thereof by the electors of such city, or city and county, or county, or political subdivision of lesser population, at a general or special election, at which the question shall have been submitted in manner as follows: When a petition signed by electors of such city, city and county, county, or political subdivision of lesser population, in number equal to one half of the total vote cast in such city, city and county, county, or political subdivision of lesser population, at the last preceding general election, is filed with the legislative body or council of a city, in case such election is to be held in such city, or in other case with the board of supervisors of the county wherein such election is to be held, asking that such question be submitted to a vote of such electors, the said legislative body, council, or board of supervisors, shall by proclamation submit such question to the vote of such electors at the next general election; *provided*, that it be demanded in such petition that the question be submitted at a special election, it shall be so submitted, and such special election shall be held within thirty days after the first regular meeting of such legislative body, council, or board of supervisors, after the filing of such petition. This chapter and each and every provision thereof shall also be obligatory and mandatory in the thirteenth senatorial district, a political subdivision of the county of Alameda, and for such purpose

Submission of question to electors.

Mandatory in thirteenth senatorial district.

it is hereby declared that the population of said thirteenth senatorial district, a political subdivision of the said county of Alameda, is twenty-three thousand four hundred and sixteen.

The ballots used at such general election or special election shall contain the words "For the Primary Law," and "Against the Primary Law." Such election shall be conducted, and the notices thereof shall be given, and the returns canvassed in all respects as provided by law for the conducting of general elections and the canvassing the returns thereof. In case a majority of the votes cast at such election on such question shall be for the primary law, the provisions of this chapter shall take effect and be in force forthwith, in said city, city and county, county, or political subdivision of lesser population, and shall remain in force therein until rendered inapplicable thereto by a similar vote.

Ballots to be used when question is submitted.

But all delegates elected under the provisions of this chapter before such last-mentioned vote, shall serve in the respective conventions to which they were elected, as if said last-mentioned vote had not been had. Every board of supervisors or other legislative body or council acting under the provisions of this section shall forthwith send to the secretary of state a certified copy of all its decisions and declarations hereunder; the secretary of state shall file the same in his office, without charge, and he shall cause the same to be published as an appendix to the statutes and amendments to the codes enacted at the succeeding session of the legislature.

Copy of decisions to be filed with secretary of state.

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

CHAPTER 352.

An act to add a new section to the Political Code to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered 1366a to read as follows:

1366a. At the time of registering and of transferring registration, in all places where the primary election law is in force, each elector shall declare the name of the political party with which he intends to affiliate at the ensuing primary election or elections, and the name of such political party shall be stated in the affidavit of registration and the index thereto. If the elector declines to state the fact, the fact of such decli-

Electors to declare his political affiliation.

nation shall likewise be stated and no person shall be entitled to vote at any primary election (by virtue of such registration) unless he has stated the name of the political party with which he intends to affiliate at the time of such registration. Nor shall he be permitted to vote on behalf of any party or for delegates to the convention of any party other than the party so designated in the registration.

May
change
affiliation,
when.

In case any elector shall have declined to designate or shall have changed his political affiliation prior to the close of registration for primary elections he is entitled to have such change recorded prior to the close of said registration upon application to the county clerk or registrar of voters. In case any elector shall have declined to designate or shall have changed his political affiliations prior to the close of registration, he may appear in person before the county clerk or registrar of voters, at the office of the county clerk or registrar of voters, and not elsewhere, and make affidavit substantially in the following form:

STATE OF CALIFORNIA, }
County of _____ } ss.

Form of
affidavit.

_____, being duly sworn, deposes and says that he is registered on the great register of the said county of _____ as a _____, (insert former party affiliation); that since the date of such registration he has changed his political views and in good faith declares his affiliation with the _____ party.

Subscribed and sworn to before me, this _____ day of _____, 190—.

No fees for
taking
affidavit.

The county clerk or registrar of voters shall take such affidavit without charge and shall file the same. Nothing in this section shall be construed to prevent any elector, who has registered before this act takes effect, from voting at such primary election.

SEC. 2. This act shall take effect and be in force thirty-five days after its passage.

CHAPTER 353.

An act adding a new section to the Code of Civil Procedure to be numbered and designated as section 1124 relating to contesting elections in case of a tie.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

In case of
tie vote,
who may
contest.

1124. Whenever the body canvassing the returns of any such election declares that no person has received the highest number of votes given for that particular office, any elector

of the county, city and county, city or political subdivision of either, in which such office is to be exercised may, within twenty days after such declaration, contest the same by filing with the clerk a written statement setting forth the matters stated in subdivisions one, three and four of section eleven hundred and fifteen, and also the names of the persons shown by such declaration to have received the highest and equal number of votes; which statement must be verified.

A citation must thereupon be issued to and served upon such of said persons receiving an equal number of votes as are not contestants as provided in section eleven hundred and nineteen.

Thereupon like proceedings must be had as are provided in this title for contesting the right of a person declared elected; and all the provisions of this title so far as applicable thereto must govern in such proceedings.

If the court finds that some person has received the highest number of votes such person must be declared elected.

CHAPTER 354.

An act appropriating money to pay for janitor service for the district court of appeal for the third appellate district of the State of California, and to provide for the maintenance of a law library for said court. Also, to pay for furnishing and equipping the chambers, court-room, clerk's and stenographer's rooms and the library.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, for the purpose of paying for janitor's services for the district court of appeal for the third appellate district of the State of California and to provide for the maintenance of a law library for said court. Also, to pay for furnishing and equipping the chambers, court-room, offices and library of said court.

SEC. 2. Said appropriation shall be at the disposal of the justices of the said court for the said purposes, and shall be paid on warrants issued to the said justices by the state controller.

SEC. 3. Said appropriation shall be denominated and known as "Library and Furnishing Fund, Third District Court of Appeal."

SEC. 4. This act shall take effect on the first day of July, A. D. 1907.

Proceed-
ings.

Expenses
of third
district
court,
appropriation.

Name of
fund

CHAPTER 355.

An act to amend section two hundred and thirty of the Code of Civil Procedure, and to add a new section thereto to be numbered two hundred and forty-eight, both relating to jurors.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Jurors for justices' or police courts.

230. When jurors are required in any of the justices' courts, or in any police or other inferior court, they shall, upon order of the justice, or any one of the justices where there is more than one, or of the judge thereof, be summoned by the sheriff, constable, marshal, or policeman of the jurisdiction.

Sec. 2. A new section is hereby added to said code to be numbered two hundred and forty-eight, and to read as follows:

Separate panel of jurors in counties having two or more judges.

248. In any county having two or more judges of the superior court, a separate panel of jurors may be drawn, summoned and impaneled for each judge, or one panel may be drawn, summoned and impaneled by any one of the judges for use in the trial of cases before any two or more of the judges, as occasion may require. In such counties, when a panel of jurors is in attendance for service before one or more of the judges, whether impaneled for common use or not, the whole or any number of the jurors from such panel may be required to attend and serve in the trial of cases, or to complete a panel, or jury, before any other of the judges. If one of the judges has a separate panel of jurors, no part thereof shall, without his consent, be taken to serve before another judge.

CHAPTER 356.

An act to amend section one hundred and forty-four of the Code of Civil Procedure, relating to places of holding courts.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

When sheriff to provide court-rooms.

144. If suitable rooms for holding the superior courts and the chambers of the judges of said courts are not provided in any county by the supervisors thereof, together with the attendants, furniture, fuel, lights and stationery, sufficient for the

transaction of business, the courts, or the judge or judges thereof, may direct the sheriff of the county to provide such rooms, attendants, furniture, fuel, lights and stationery; and the expenses incurred, certified by the judge or judges to be correct, are a charge against the county treasury, and must be paid out of the general fund thereof.

Expenses.
how paid.

CHAPTER 357.

An act to amend section one hundred and thirty-nine of the Code of Civil Procedure, and to repeal section one hundred and forty thereof, both relating to proceedings in case of absence of judge.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

139. If no judge attends on the day appointed for the holding or sitting of a court, or on the day to which it may have been adjourned, before noon, the sheriff or clerk shall adjourn the same until the next day, at ten o'clock A. M., and if no judge attend on that day, before noon, the sheriff or clerk shall adjourn the same until the following day at the same hour; and so on, from day to day, unless the judge, by written order, directs it to be adjourned to some day certain, fixed in said order, in which case it shall be so adjourned.

Adjournment for absence of judge.

SEC. 2. Section one hundred and forty of said code is hereby repealed.

CHAPTER 358.

An act to amend sections one hundred and thirty-four and one hundred and thirty-five of the Code of Civil Procedure, both relating to judicial days.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

134. No court, other than the supreme court, must be open for the transaction of judicial business on any of the holidays mentioned in section ten, except for the following purposes:

Non-judicial days.

1. To give, upon their request, instructions to jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;
3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

SEC. 2. Section one hundred and thirty-five of the Code of Civil Procedure is hereby amended to read as follows:

Appoint-
ments
on non-
judicial
days.

135. If any day mentioned in section ten be a day appointed for the holding or sitting of any court, other than the supreme court, it is deemed adjourned to the next succeeding judicial day.

CHAPTER 359.

An act to repeal section one hundred and fifteen of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sec. 115
Code of
Civil Pro-
cedure,
repealed.

SECTION 1. Section one hundred and fifteen of the Code of Civil Procedure is hereby repealed.

CHAPTER 360.

An act to amend sections six hundred and eighty-one, six hundred and eighty-seven, six hundred and eighty-eight, and six hundred and eighty-nine of the Code of Civil Procedure, all relating to executions in civil cases.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Within
what time
execution
may issue.

681. The party in whose favor judgment is given may, at any time within five years after the entry thereof, have a writ of execution issued for its enforcement. If, after the entry of the judgment, the issuing of execution thereon is stayed or enjoined by any judgment or order of court, or by operation of law, the time during which it is so stayed or enjoined must be excluded from the computation of the five years within which execution may issue.

SEC. 2. Section six hundred and eighty-seven of said code is hereby amended to read as follows:

687. Where the execution is against the property of the judgment debtor, it may be issued to the sheriff of any county in the state. Where it requires the delivery of real or personal property, it must be issued to the sheriff of the county where the property, or some part thereof, is situated. If the judgment directs or authorizes the issuing of any process requiring the sale, or the delivery of possession of, or otherwise affecting specific real property, which is then, or subsequently becomes, a part of a county other than that in which such judgment was entered, such process may be issued to, and executed by, the sheriff of such other county, as to the property situate therein. Executions may be issued at the same time to different counties.

Execution,
how and
to whom
issued.

SEC. 3. Section six hundred and eighty-eight of said code is hereby amended to read as follows:

688. All goods, chattels, moneys, and other property, both real and personal, or any interest therein, of the judgment debtor, not exempt by law, and all property and rights of property seized and held under attachment in the action, are liable to execution. Shares and interests in any corporation or company, and debts and credits, and all other property, both real and personal, or any interest in either real or personal property; and all other property not capable of manual delivery, may be levied upon or released from levy in like manner as like property may be attached or released from attachment. Gold dust must be returned by the officer as so money collected at its current value, without exposing the same to sale. Until a levy, property is not affected by the execution.

What
liable to be
seized on
execution.

SEC. 4. Section six hundred and eighty-nine of said code is hereby amended to read as follows:

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.

When
property
claimed by
third
party.

CHAPTER 361.

An act to amend section seven hundred of the Code of Civil Procedure and to add a new section thereto to be numbered seven hundred a, both relating to execution sales.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Sale of
real
property,
what
purchaser
acquires.

700. Upon a sale of real property, the purchaser is substituted to and acquires all the right, title, interest, and claim of the judgment debtor thereto on the date of the levy of the execution thereon, where such judgment is not a lien upon such property; if the judgment is a lien upon the real property the purchaser is substituted to and acquires all the right, title, interest, and claim of the judgment debtor on or at any time after the day such judgment became a lien on such property; and in case property, real or personal, has been attached in the action, the purchaser is substituted to and acquires all the right, title, interest and claim of the judgment debtor on or at any time after the day the attachment was levied upon such property.

SEC. 2. A new section is hereby added to said code, to be numbered seven hundred a, and to read as follows:

When
sales are
absolute.

700a. Sales of personal property, and of real property, when the estate therein is less than a leasehold of two years' unexpired term, are absolute. In all other cases the property is subject to redemption, as provided in this chapter. The officer must give to the purchaser a certificate of sale, and file a duplicate thereof for record in the office of the county recorder of the county, which certificate must state the date of the judgment under which the sale was made and the names of the parties thereto, and contain:

What
certificate
must show.

1. A particular description of the real property sold;
2. The price bid for each distinct lot or parcel;
3. The whole price paid;
4. If the property is subject to redemption, the certificate must so declare, and if the redemption can be effected only in a particular kind of money or currency, that fact must be stated.

CHAPTER 362.

An act to amend sections seven hundred and fourteen, seven hundred and seventeen, seven hundred and nineteen, and seven hundred and twenty of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven hundred and fourteen of the Code of Civil Procedure is hereby amended to read as follows:

714. When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, issued to the sheriff of the county where he resides, or if he does not reside in this state, to the sheriff of the county where the judgment roll is filed, is returned unsatisfied in whole or in part, the judgment creditor, at any time after such return is made, is entitled to an order from a judge of the court, requiring such judgment debtor to appear and answer concerning his property before such judge, or a referee appointed by him, at a time and place specified in the order; but no judgment debtor must be required to attend before a judge or referee out of the county in which he resides, or in which he has a place of business.

Debtor required to answer concerning his property, when.

SEC. 2. Section seven hundred and seventeen of said code is hereby amended to read as follows:

717. After the issuing or return of an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, and upon proof by affidavit or otherwise, to the satisfaction of the judge, that any person or corporation has property of such judgment debtor, or is indebted to him in an amount exceeding fifty dollars, the judge may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place before him, or a referee appointed by him, and answer concerning the same.

Examination of judgment debtor.

SEC. 3. Section seven hundred and nineteen of said code is hereby amended to read as follows:

719. The judge or referee may order any property of the judgment debtor, not exempt from execution, in the hands of such debtor, or any other person, or due to the judgment debtor, to be applied toward the satisfaction of the judgment; but no such order can be made as to money or property in the hands of any other person or claimed to be due from him to the judgment debtor, if such person claims an interest in the property adverse to the judgment debtor or denies the debt.

Judge may order property applied on execution.

SEC. 4. Section seven hundred and twenty of said code is hereby amended to read as follows:

Proceedings upon claim of another party.

720. If it appears that a person or corporation, alleged to have property of the judgment debtor, or to be indebted to him, claims an interest in the property adverse to him, or denies the debt, the judgment creditor may maintain an action against such person or corporation for the recovery of such interest or debt; and the court or judge may, by order, forbid a transfer or other disposition of such interest or debt, until an action can be commenced and prosecuted to judgment. Such order may be modified or vacated by the judge granting the same, or the court in which the action is brought, at any time, upon such terms as may be just.

CHAPTER 363.

An act to amend section seven hundred and forty of the Code of Civil Procedure, relating to actions for the recovery of property.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Right of plaintiff to recover.

740. In an action for the recovery of property, where the plaintiff shows a right to recover at the time the action was commenced, but it appears that his right has terminated during the pendency of the action, the verdict and judgment must be according to the fact, and the plaintiff may recover damages for withholding the property.

CHAPTER 364.

An act to repeal section seven hundred and forty-nine of the Code of Civil Procedure, as approved March thirty-first, eighteen hundred and ninety-one, relating to service of summons by publication in actions relating to real property in this state.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sec. 749, Code of Civil Procedure, repealed.

SECTION 1. Section seven hundred and forty-nine of the Code of Civil Procedure, as approved March 31st, 1891, is hereby repealed.

CHAPTER 365.

An act to repeal section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as section 599f, both relating to the killing of any elk within the State of California.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section five hundred and ninety-nine of the Penal Code, as approved March 18, 1905, is hereby repealed. Sec. 599, Penal Code, repealed.

SEC. 2. A new section, to be known as section five hundred and ninety-nine *f*, is hereby added to the Penal Code, to read as follows:

599*f*. Every person who willfully kills any elk within this state is guilty of a felony and punishable by imprisonment in the state prison for a term not exceeding two years. Killing of elk a felony.

CHAPTER 366.

An act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

[Approved March 19, 1907.]

The people of the State of California, represented in the senate and assembly, do enact as follows:

SECTION 1. The controller of state is hereby authorized and directed to transfer from the salary fund of the State Normal School at San Francisco any balance of the appropriation for the years 1905-7 which may remain in said fund after all demands for the year 1906-7 have been drawn, to the printing fund of said normal school and said money or moneys thus transferred shall be available during the years 1907-9 for the purpose of replacing such pamphlets and other materials, destroyed by the fire of April 19, 1906, which were prepared and used by the faculty of said school in the training of teachers. San Francisco State Normal School, transfer of funds.

SEC. 2. The controller immediately after making the transfer provided for in this act shall notify the state treasurer of the same and the treasurer shall thereupon make corresponding transfers in the books of his office.

SEC. 3. This act shall take effect and be in force from and after July 1, 1907.

CHAPTER 367.

An act to repeal section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sec. 526,
Penal
Code,
repealed.

SECTION 1. Section 526 of the Penal Code is hereby repealed.

CHAPTER 368.

An act to amend sections three thousand six hundred twenty-seven, three thousand six hundred fifty-one, three thousand six hundred sixty-four, three thousand six hundred sixty-five, three thousand six hundred sixty-six, three thousand six hundred seventy-one, three thousand six hundred seventy-eight, three thousand six hundred ninety-two, three thousand six hundred ninety-five, three thousand six hundred ninety-nine, three thousand seven hundred, three thousand seven hundred two, three thousand seven hundred thirty-eight, three thousand eight hundred ninety-seven, and three thousand eight hundred ninety-eight of the Political Code; to repeal section three thousand seven hundred one of the Political Code, as it now exists, and to re-enact said section three thousand seven hundred one, all of said sections relating to the assessment, equalization, and collection of taxes of the state and counties.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Property,
how
assessed.

3627. All taxable property must be assessed at its full cash value. 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. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby, except as to railroad and other quasi-public corporations. In case of debts so secured, the value of the property affected by such mort-

gage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured. If the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and, to the extent of such payment, a full discharge thereof. If any such security or indebtedness shall be paid by any such debtor or debtors after assessment, and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year. The parties to any contract of loan or to any mortgage, deed of trust or other lien securing any obligation, shall nevertheless have the right to provide by contract that the debtor shall pay all or any taxes or assessments on the money loaned or on the mortgage, deed of trust, or other lien, or on the property thereby covered or the obligation thereby secured, and such contract shall be valid and constitute a waiver by the debtor of all right to treat the payment of such tax or assessment as a payment on the amount loaned or secured or as being to any extent a discharge thereof.

Taxes lien
on
security.

Debtor
may con-
tract to
pay mort-
gage tax.

Sec. 2. Section three thousand six hundred and fifty-one of the Political Code is hereby amended so as to read as follows:

3651. The assessor must prepare an index to the assessment book, which must show the name of the taxpayer, each page whereon his assessment appears, and such other information as the state board of equalization may require, which board shall prescribe the form of such index.

Index to
assessment
book.

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

3664. The president, secretary, or managing agent, or such other officer as the state board of equalization may designate, of any corporation, and each person, or association of persons, owning or operating any railroad in more than one county in this state, shall, on or before the first Monday in April of each year, furnish the said board a statement, signed and sworn to by one of such officers, or by the person or one of the persons forming such association, showing in detail for the year ending on the first Monday in March in each year:

Statement
by officer of
corporation
to
state board
of equal-
ization.

1. The whole number of miles of railway in the state, and, where the line is partly out of the state, the whole number of miles without the state, and the whole number within the state, owned or operated by such corporation, person, or association;

2. The value of the roadway, roadbed, and rails of the whole railway, and the value of the same within the state;

3. A general description of the right of way;

4. The number of each kind of all rolling stock used by such corporation, person, or association in operating the entire railway, including the part without the state;

5. Number, kind, and value of rolling stock owned and operated in the state;

6. Number, kind, and value of rolling stock used in the state, but owned by the party making the returns;

7. Number, kind, and value of rolling stock owned, but used out of the state, either upon divisions of road operated by the party making the returns or by and upon other railroads.

Also showing in detail for the year preceding the thirtieth day of June:

1. The gross earnings of the entire road;

2. The gross earnings of the road in the state, and, where the railway is let to other operators, how much was derived by the lessor as rental;

3. The cost of operating the entire road, exclusive of sinking fund, expenses of land department, and money paid to the United States;

4. Net income for such year, and amount of dividend declared;

5. Capital stock authorized;

6. Capital stock paid in;

7. Funded debt;

8. Number of shares authorized;

9. Number of shares of stock issued;

10. Any other facts the state board of equalization may require;

11. A description of any part or portion of such railroad which may be in the possession and control of any other railroad company or corporation, and operated by such other corporation under a lease or other contract;

12. The president, secretary, or managing agent, or such other officer as the state board of equalization may designate of any corporation or association of persons operating in this state any portion of a line of railroad owned by and belonging to some other corporation or association, which runs in more than one county, shall make the same statement as is herein required to be made by the foregoing provisions of this section by the owner of such railroad;

13. A description of the road, giving the points of entrance into and the points of exit from each county, with a statement of the number of miles in each county. When a description of the road shall once have been given, no other annual description thereafter is necessary, unless the road shall have been changed. Whenever the road, or any portion of the road, is advertised to be sold, or is sold for taxes, either state or county, no other description is necessary than that

Statement
by corpo-
ration
operating
leased
railroads.

given by, and the same is conclusive upon, the corporation, person, or association giving the description. No assessment is invalid on account of a misdescription of the railway, or the right of way for the same. If such statement is not furnished as above provided, the assessment made by the state board of equalization upon the property of the corporation, person, or association failing to furnish the statement is conclusive and final.

SEC. 4. Section three thousand six hundred and sixty-five of the Political Code is hereby amended so as to read as follows:

3665. The state board of equalization must meet at the state capitol on the third Monday in July, and continue in open session from day to day, Sundays excepted, until the first Monday in August. At such meetings the board must assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county, but franchises derived from the United States shall not be assessed. Assessments must be made to the corporation, persons, or association of persons owning the same. If any portion of any railroad less than the whole is operated by some corporation or association of individuals other than the owner of such railroad, under lease or other contract, and such portion so operated runs in more than one county, the value of such part or portion of such railroad shall be assessed separate and apart from the balance of said railroad, and the board shall assess the roadway, roadbed, and rails of such portion of said railroad, together with the rolling stock used thereon by the corporation or association of individuals operating the same. The depots, stations, shops, and buildings erected upon the space covered by the right of way, and all other property owned by such person, corporation, or association of persons, are assessed by the assessor of the county wherein they are situate. Within twenty days after the first Monday of August, the board must apportion the total assessment of the franchise, roadway, roadbed, rails, and rolling stock of each railway to the counties, or cities and counties, in which such railway is located, in proportion to the number of miles of railway laid in such counties, and cities and counties. The board must also, within said time, transmit, by mail, to the county auditor of each county, or city and county, to which such apportionment shall have been made, a statement showing the length of the main track of such railway within the county, or city and county, with a description of the said track within the county, or city and county, including the right of way, by metes and bounds, or other description sufficient for identification (but it shall not be necessary to state the variable width of such right of way), the assessed value per mile of the same, as fixed by a pro rata distribution per mile of the assessed value of the whole franchise, roadway, roadbed, rails, and rolling stock of such railway within the state, and the amount apportioned to the county, or city and county. The auditor must enter the statement on the assessment roll or book of the county, or city

Assessment of railway franchises and properties.

Railroads operated by other than owner.

Assessment of depots, etc.

Apportionment of assessment.

Notification to auditor.

Auditor to enter statement in assessment book.

Duties of supervisors.

Duty of clerk of board of supervisors.

When owner of railroad is dissatisfied with assessment, procedure.

Record of assessment of railways.

and county, and where the county is divided into assessorial townships or districts, then on the roll or book of any township or district he may select, and enter the amount of the assessment apportioned to the county, or city and county, in the column of the assessment book or roll, as aforesaid, which shows the total value of all property for taxation, either of the county, city and county, or such township or district. On the third Monday in September, the board of supervisors must make, and cause to be entered in the proper record book, an order stating and declaring the length of main track of the railway assessed by the state board of equalization within the county, the assessed value per mile of such railway, the number of miles of track, and the assessed value of such railway lying in each city, town, township, school and road district, or lesser taxation district in the county, or city and county, through which such railway runs, as fixed by the state board of equalization, which shall constitute the assessment value of said property for taxable purposes in such city, town, township, school, road, or other district; and the clerk of the board of supervisors must transmit a copy of each order or equalization to the city council, or trustees, or other legislative body of incorporated cities or towns, the trustees of each school district, and the authorized authorities of other taxation districts through which such railway runs. All such railway property shall be taxable upon said assessment at the same rates, by the same officers, and for the same purposes, as the property of individuals within such city, town, township, school, road, and lesser taxation districts, respectively. If the owner of a railway assessed by the state board of equalization is dissatisfied with the assessment made by the board, such owner may, at the meeting of the board, under the provisions of section three thousand six hundred and ninety-two of the Political Code, between the first Monday in August and the first Monday in September, apply to the board to have the same corrected in any particular, and the board may correct and increase or lower the assessment made by it so as to equalize the same with the assessment of other property in the state. If the board shall increase or lower any assessment previously made by it, it must make a statement to the county auditor of the county affected by the change in the assessment of the change made, and the auditor must note such change upon the assessment book or roll of the county, as directed by the board.

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

3666. The state board of equalization must prepare each year a book, to be called "record of assessments of railways," in which must be entered each assessment made by the board, either in writing or by both writing and printing. Each assessment so entered must be signed by the chairman and secretary. The record of the apportionment of the assessments made by the board to the counties, and cities and counties,

must be made in a separate book, to be called "record of apportionment of railway assessments." In such last described book must be entered the names of the railways assessed by the board, the names of the corporations to which, or the name of the person or association to whom was assessed each railway in the state, the number of miles thereof in each county, or city and county, the total assessment of the franchise, roadway, roadbed, rails, and rolling stock, for purposes of state taxation, and the amount of the apportionment of such total assessment to each county, and city and county, for county, or city and county taxation. Before the third Monday in September of each year, the secretary of the state board of equalization must prepare and transmit to the controller of state duplicates of the "record of assessment of railways," and "record of apportionment of railway assessments," each certified by the chairman and secretary of the board, and to be known, respectively, as "duplicate record of assessment of railways" and "duplicate record of apportionment of railway assessments." In the last-named duplicate all necessary appropriate columns must be added, in which the controller must enter the amount of taxes in installments due the state upon the whole assessment, by each corporation, person, or association, and the amount of taxes, in installments, due each county, or city and county, upon the assessment apportioned to each county, or city and county, by each corporation, person, or association.

Record of apportionment.

Duplicate records to be filed with controller.

The two duplicates constitute the warrant for the controller to collect the state and county, and city and county taxes levied upon such property assessed by the board, and the amount of the apportionment of the assessment to each county, and city and county, respectively.

Duplicates constitute controller's warrant to collect taxes.

SEC. 6. Section three thousand six hundred and seventy-one of the Political Code is hereby amended so as to read as follows:

3671. The assessment made by the county assessor, and that of the state board of equalization, as apportioned by the boards of supervisors to each city, town, township, school, road, or other district in their respective counties, or cities and counties, shall be the only basis of taxation for the county, or any subdivision thereof, except in incorporated cities and towns, and may also be taken as such basis in incorporated cities and towns when the proper authorities may so elect. All taxes upon townships, road, school, or other local districts, shall be collected in the same manner as county taxes.

Basis of taxation for county taxes.

SEC. 7. Section three thousand six hundred and seventy-eight of the Political Code is hereby amended so as to read as follows:

3678. To assist the assessor in the performance of his duties, the recorder must annually transmit to the assessor, within ten days after the first Monday in March of each year, a complete abstract of all mortgages, deeds of trust, contracts, and other obligations by which any debt is secured, remaining unsatisfied on the records of his office, not barred by the statute of

County recorder to furnish assessor abstract of mortgages.

Mortgaged land situated in more than one county.

Valuation final.

Partial payment of debts.

Recorder to furnish assessor statement of property redeemed.

limitation, at twelve o'clock meridian, on the first Monday of March of said year. Such abstract shall be written under appropriate headings, to embrace all information requisite for the assessor, in a book or books to be furnished by the board of supervisors upon the requisition of the assessor. Should any such list be found to contain any instrument relating to lands situated in more than one county, it shall be the duty of the assessor to transmit to the state board of equalization all information relating thereto on or before June first of said year; and it shall be the duty of the said board to attach an apportionment of valuation of such instrument to be assessed in each county, and the board shall transmit to the assessor of each county mentioned as affected in said instrument, a statement of valuation of assessment to be levied against said instrument in each county. The valuation so set by said board shall be final, and the assessor shall accept said valuation and charge said assessment upon said instrument accordingly. Should the list contain any instrument mortgaging or pledging two or more subdivisions of land, or land assessed in two or more subdivisions, in the same county, township, district, or city, the assessor shall apportion the amount of assessment to be deducted from each subdivision on account of assessment against said instrument. Any assessment on a mortgage, or deed of trust, which has been erroneously taxed to the mortgagee, or party loaning the money, when the same has been paid or satisfied prior to the first Monday in March, shall be valid only as against the real estate from the assessment on which a reduction has been previously made. When partial payments have been made on a debt secured by mortgage, or deed of trust, the owner is authorized to make the proper deduction, listing only the balance due on the first Monday in March. The recorder must, at the time he furnishes the abstract of mortgages to the assessor, furnish said officer with a complete and true statement of all property which has been redeemed under or by virtue of any sale made to the state for delinquent taxes, together with a complete and true statement of all property sold to the state and remaining unredeemed. When necessary, the board of supervisors of each county must provide for the payment of such additional clerical force as may be required to enable the county recorder to comply with this section.

SEC. 8. Section three thousand six hundred ninety-two of the Political Code is hereby amended so as to read as follows:

3692. The powers and duties of the state board of equalization are as follows:

General powers of state board of equalization.

1. To prescribe rules for its own government and for the transaction of its business.
2. To prescribe rules and regulations, not in conflict with the constitution and laws of the state, to govern supervisors when equalizing, and assessors when assessing.
3. To make out, prepare, and enforce the use of all forms

in relation to the assessment of property, collection of taxes, and revenue of this state.

General powers of state board of equalization.

4. To hold regular meetings at the state capital, on the second Monday in each month, and such special meetings as the chairman may direct.

5. To annually assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this state, at their actual value, on the first Monday in March, at twelve o'clock m., and to apportion such assessment to the counties, and cities and counties in which such railroads are located, in proportion to the number of miles of railway laid in such counties, and cities and counties, in the manner provided for in section three thousand six hundred and sixty-four of said code.

6. To equalize the assessment of each mortgage, deed of trust, contract, or other obligation by which a debt is secured, and which affects property situate in two or more counties, and to apportion the assessment thereof to each of such counties.

7. To transmit to the assessor of each county, or city and county, its apportionment of the assessments made by said board upon the franchises, roadways, roadbeds, rails, and rolling stock of railroads, and also its apportionment of the assessments made by such board upon mortgages, deeds of trust, contracts, and other obligations by which debts are secured, in the manner provided for in section three thousand six hundred and sixty-four of said code.

8. To meet at the state capital on the first Monday in August, and remain in session from day to day, Sundays excepted, until the second Monday in September.

9. At such meeting to equalize the valuation of the taxable property of the several counties in this state for the purposes of taxation; and to the end, under such rules of notice to the clerk of the board of supervisors of the county affected thereby, as it may prescribe, to increase or lower the entire assessment roll so as to equalize the assessment of the property contained in said roll and make the assessment conform to the true value in money of the property assessed, and to fix the rate of state taxation, and to do the things provided in section three thousand six hundred and ninety-three of said code; *provided*, that no board of equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value.

10. To visit as a board, or by the individual members thereof, whenever deemed necessary, the several counties of the state, for the purpose of inspecting the property and learning the value thereof.

11. To call before it, or any member thereof, on such visit, any officers of the county, and to require them to produce any public records in their custody.

12. To issue subpoenas for the attendance of witnesses or the production of books before the board, or any member thereof;

which subpoenas must be signed by a member of the board, and may be served by any person.

13. To appoint a secretary, prescribe and enforce his duties. The secretary shall hold his office during the pleasure of the board.

14. To report to the governor, biennially, a statement showing:

First—The acreage of each county in the state that is assessed.

Second—The amount assessed per acre.

Third—The aggregate value of all town and city lots.

Fourth—The aggregate value of all real estate in the state.

Fifth—The kinds of personal property in each county, and the value of each kind.

Sixth—The aggregate value of all personal property in the state.

Seventh—Any information relative to the assessment of property and the collection of revenue.

Eighth—Such further suggestions as it shall deem proper.

15. To keep a record of all its proceedings.

SEC. 9. Section three thousand six hundred and ninety-five of the Political Code is hereby amended so as to read as follows:

Statement
of changes
to be trans-
mitted
to auditor.

3695. When the equalization among the several counties is completed, the secretary of the board must transmit to each county auditor a statement of the changes made by the board in the assessment roll of the county, or in any assessment contained therein, and of the per centum to be added to or deducted from the valuation of such statement, which shall be prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject-matter of the statement.

SEC. 10. Section three thousand six hundred and ninety-nine of the Political Code is hereby amended so as to read as follows:

Oaths.

3699. The secretary or any member of the board may administer and certify oaths.

SEC. 11. Section three thousand seven hundred of the Political Code is hereby amended so as to read as follows:

Salaries of
board and
secretary.

3700. The annual salary of each member of the board, (except the state controller), and of the secretary to the board, is three thousand dollars, and each of said officers shall devote his entire time to the service of the state in performing the duties and acquiring the information required by this act.

SEC. 12. Section three thousand seven hundred and one of the Political Code as it now exists is hereby repealed and said section is hereby re-enacted so as to read as follows:

Duty of
secretary.

3701. It shall be the duty of the secretary to keep an accurate record of the proceedings of the board in a book specially provided for such purpose. When required by the board or the chairman he shall visit the several counties and collect data and information relative to the assessment of

property therein, or the railway property therein, and consult and advise with all officers charged with enforcement of the revenue laws, and report such data and information to the board. He shall apportion all mortgages for assessment purposes, joint between two or more counties; keep a record of such apportionments; when such apportionments are complete for the year he shall report such fact to the board, and the board, if satisfied as to the correctness of such apportionments and report, shall cause to be entered an order on its minutes approving such apportionments and adopting the same as the act of the board. To prepare, biennially, the report of the board to the governor, and when printed, to distribute such report, as required by law and as directed by the board. To do and perform all other acts and things enjoined by law or required by the board. The secretary is a civil executive officer and is authorized to administer and certify oaths in any county in the state.

Biennial
report.

SEC. 13. Section three thousand seven hundred and two of the Political Code is hereby amended so as to read as follows:

3702. The members of the board and secretary are entitled to their actual traveling expenses, and for contingent clerical assistance, while traveling, incurred by them in the discharge of their duties, the amount to be audited and allowed by the board of examiners, and the sum of six thousand dollars for each fiscal year is hereby continuously appropriated out of the general fund of the state treasury, to pay the same. The secretary of state must assign an office for the board in the state capitol, in which must be transacted all its business, except as in its nature must be transacted elsewhere. He must supply it with stationery, fuel, light, and modern office furniture and supplies, and the superintendent of state printing must execute its orders for printing.

Traveling
expenses
of board.

Office
room.

Stationery.

SEC. 14. Section three thousand seven hundred and thirty-eight of the Political Code is hereby amended so as to read as follows:

3738. On or before the first Monday in March of each year, the auditor shall furnish the assessor with blank "personal property" receipts in book form, with stubs attached, numbered the same as receipts, each book having fifty receipts, in a form prescribed by the auditor, and charge the assessor with the number of receipts issued. On the first Monday in August, the assessor shall return all unused receipts, and the auditor shall credit him with the numbers returned.

Personal
property
receipts,
auditor to
furnish
assessor.

SEC. 15. Section three thousand eight hundred and ninety-seven of the Political Code is hereby amended so as to read as follows:

3897. Whenever the state shall become the owner of any property sold for taxes and the deed to the state has been filed with the controller as provided in section three thousand seven hundred and eighty-five, the controller may thereupon by a written authorization direct the tax collector of the county or city and county to sell the property or any part thereof as in his judgment he shall deem advisable in the man-

Sale of
property
purchased
by state.

Notice
of sale.

What
notice
must
specify.

Sale.

Sale of
property
for less
than
accrued
taxes,
manner of.

Cost of
advertis-
ing.

ner following: He must give notice of such sale by first publishing a notice for at least three successive weeks in some newspaper published in the county or city and county, or if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county or city and county, one of which shall be at the United States post office nearest the land, in addition to a notice conspicuously posted on the land itself for the same period. Such notices must state specifically the place of and the day and hour of sale and shall contain a description of the property to be sold and shall also contain a detailed statement of all the delinquent taxes, penalties, costs, interest, and expenses up to the date of such sale and shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property or any part thereof and said notice shall also embody a copy of the authorization received from the controller. It shall be the duty of the tax collector to mail a copy of said notice, postage thereon prepaid and registered, to the party to whom the land was last assessed next before the sale, at his last known post office address. At the time set for such sale, the tax collector must sell the property described in the controller's authorization and said notices, at public auction to the highest bidder for cash in lawful money of the United States; but no bid shall be received or accepted at such sale for less than the amount of all the taxes levied upon such property and all costs and penalties for every year delinquent as shown by the delinquent rolls for said years to the date of the execution of the deed to the state, and all expenses accrued to the date of the sale under this section, together with interest at seven per cent per annum from the first day of July following delinquency in each of said years to the date of the sale hereunder, computed upon the aggregate amount of such delinquent taxes, penalties and costs; *provided, however,* that if the board of supervisors of the county, or city and county, in which any such property is situate, shall, by resolution entered upon their minutes, declare that, in their judgment, the property so owned by the state, and particularly described in said resolution, is not at that time of value great enough that it can be sold by the state for a sum equal to the amount of all taxes levied upon said property, and all interests, costs and penalties and expenses up to the date of such sale, and that it would be to the best interest of the state to sell the said property for a sum to be stated in said resolution less than the sum above named, upon receipt of a copy of said resolution, certified by the clerk of said board of supervisors, the state controller may thereupon, by written authorization, direct the tax collector of the county, or city and county, to sell the said property so described in said resolution for a sum not less than the sum stated in said resolution, together with the expenses of sale. The expense of giving the notice herein required shall be a charge against the property so advertised, and shall be collected by the collector, and no redemption

of such property before said sale may be had without payment of such cost of advertising; and to secure the payment of such advertising cost the collector shall demand in advance from the party or parties seeking to purchase, a deposit with said officer of a sum sufficient to defray such cost of advertising, which deposit shall be forfeited in the event said party or parties fail or refuse to purchase at such sale; *provided*, that if the party or parties so depositing fail to secure such property on their bid, such deposit shall be returned, and such advertising cost shall be collected from the successful purchaser.

SEC. 16. Section three thousand eight hundred and ninety-eight of the Political Code is hereby amended so as to read as follows:

3898. The moneys received from such sale shall be distributed as follows: The tax collector shall deduct the penalties, costs and other amounts received as expenses of such sale in such cases as the property so sold shall have been sold for a sum not less than the amount of all taxes levied thereon and all interest, costs, penalties, and expenses up to the date of such sale, but where the property so sold shall have been sold for a sum less than said amount, the tax collector shall deduct only the amounts received as expenses attending such sale, and the balance shall be distributed between the state and the county, or city and county, in the proportion that the state rate bears to the county, or city and county, rate of taxation; said tax collector shall pay all amounts into the county treasury, and the treasurer shall account to the state for its portion in the settlement required by section three thousand eight hundred and sixty-five and section three thousand eight hundred and sixty-six. On receiving the amount bid, as prescribed in the preceding section, the tax collector must execute a deed to the purchaser, reciting the fact necessary to authorize such sale and conveyance, which deed shall convey all the interest of the state in and to such property, and shall be prima facie evidence of all facts recited therein. Within ten days after the first Monday in March of each year, the tax collector must render a report to the assessor, giving the names of all persons to whom deeds have been made under the provisions of this section for the preceding year, together with the dates of such deeds, the consideration therein named, and a description of the property so conveyed.

SEC. 17. This act shall be in force and effect immediately.

Distribution of proceeds of sale.

Tax collector to execute deed.

Report of tax collector to assessor.

CHAPTER 369.

An act to amend sections three hundred and ninety-two, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, and three hundred and ninety-seven of the Code of Civil Procedure, all relating to the place of trial of civil actions.

[Approved March 19, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Where certain actions to be tried.

392. Actions for the following causes must be tried in the county 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, or of an estate or interest therein, or for the determination in any form, of such right or interest, and for injuries to real property;
2. For partition of real property;
3. For the foreclosures of all liens and mortgages on real property.

Where the real property is situated partly in one county and partly in another, the plaintiff may select either of the counties, and the county so selected is the proper county for the trial of such action.

SEC. 2. Section three hundred and ninety-four of said code is hereby amended to read as follows:

Actions against counties, place of trial.

394. An action against a county may be commenced and tried in such county, unless such action is brought by a county, in which case it may be commenced and tried in any county not a party thereto. Whenever an action is brought by a county or city against residents of another county or city, or a corporation doing business in the latter, the action must be, on the motion of the defendant, transferred for trial to a county, other than the plaintiff, if the plaintiff is a county, and other than that in which the plaintiff is situated, if the plaintiff is a city.

SEC. 3. Section three hundred and ninety-five of said code is hereby amended to read as follows:

Other actions, where tried.

395. In all other cases, the action must be tried in the county 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 county in which they reside is unknown to the plaintiff, the same may be tried in any county 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 county 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 county where he resides, his residence must not be considered in determining which is the proper county for the trial of the action.

SEC. 4. Section three hundred and ninety-six of said code is hereby amended to read as follows:

396. If the county in which the action is commenced is not the proper county for the trial thereof, the action may, notwithstanding, be tried therein, unless the defendant, at the time he answers or demurs, files an affidavit of merits, and demands, in writing, that the trial be had in the proper county.

Action may be tried in any county, when.

SEC. 5. Section three hundred and ninety-seven of said code is hereby amended to read as follows:

397. The court may, on motion, change the place of trial in the following cases:

Change of place of trial in what cases.

1. When the county designated in the complaint is not the proper county;
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 370.

An act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 1c, relating to the Women's Relief Corps Home of California.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new chapter is hereby added to Title V of Part III of the Political Code, to be known as Chapter 1c, and to read as follows:

CHAPTER 1c.

THE WOMEN'S RELIEF CORPS HOME OF CALIFORNIA.

- Section 2210. Object.
- 2210a. Directors, their appointment and qualification.
 - 2210b. Election and compensation of officers.
 - 2210c. Powers of the board.
 - 2210d. Duties of the board.
 - 2210e. State aid.
 - 2210f. Auditing of claims.
 - 2210g. Moneys paid to treasurer.

2210. The object of the Women's Relief Corps Home at Evergreen, Santa Clara county, is for the support of ex-army nurses, and of the wives, widows, mothers, and dependent, destitute unmarried daughters and sisters of the Union vet-

Women's Relief Corps Home, objects.

erans who served honorably in the civil war. No person is entitled to aid under this chapter except by reason of her services as an army nurse, or by reason of the military or naval services of her husband, father, brother, or son, nor unless she has been continuously a resident of this state for one year next prior to her admission to the home.

Management of.

2210a. The home is managed and controlled by a board of eleven directors, appointed by the governor, to hold office for two years from and after their appointment, unless sooner removed by him for cause. Each must, before entering upon the discharge of his duties, file with the secretary of state his oath of office, in the form prescribed by law.

Officers.

2210b. The board of directors must elect from their number a president, a vice-president, a secretary, and a treasurer, each of whom holds office for one year from his election. No member of the board, nor any officer, must receive any compensation for his services.

Powers of board of directors

2210c. The board of directors must be known by the name and style of "The Board of Directors of the Women's Relief Corps Home Association of California," and by this name may sue and be sued in any of the courts of the state, and all property held by the board is held in trust for the Women's Relief Corps Home of California, and for the use and benefit of such home. Such board has power to manage such home, administer its affairs, make laws for its government, and adopt rules and regulations for its management, and a majority of its members constitute a quorum to transact its business.

Duties of board.

2210d. The board must:

Meetings.

1. Hold at least one meeting each month for the transaction of business pertaining to the home;

Register to be kept.

2. Cause to be kept a book or "general register," in which must be entered the date of admission, name, age, and place of birth of each inmate, and also the military or naval history, if it can be obtained, of the husband, father, or brother of such widow, wife, mother, maiden daughter, or sister, or of the ex-army nurse who is or may hereafter be admitted to such home, and the estate or income, if any, to which she may be entitled;

Accounts.

3. Cause to be kept a full record of its meetings; also a book entitled "monthly accounts," in which must be entered all moneys received from any and all sources, segregated under proper heads; also all disbursements made, specifying for what purpose, the amounts so disbursed entered in detail, segregated under proper heads, and each entry to be made under proper dates;

Pay roll.

4. Keep a pay roll of the employés and the amount disbursed to each, at what rate of wages, and for the length and kind of service;

Claims against state.

5. Furnish to the state board of examiners, at the time of making a demand or presenting a claim for state aid, a transcript of such books and pay rolls, verified by the oath of its president and secretary, covering the time for which such claim or demand is made;

6. To make a report, on the fifteenth day of August of each year, to the governor, containing a statement of all receipts and expenses, the condition of the home, the number of inmates during the year ending with June thirtieth, and such other matters as may be required by him. All reports must be verified by the oath of the president and secretary of the board. Report to governor.

2210e. For each inmate maintained in the home, if entitled to such maintenance under section twenty-two hundred and twenty-five, it is entitled to twelve and a half dollars each month from appropriations made for that purpose. No inmate for whose support there is paid, independent of state aid, the sum of twelve dollars and fifty cents or more per month, must be entitled to any aid under this chapter. But if such sum be less than twelve dollars and fifty cents per month, aid must be granted for such sum only as is necessary to make the full amount for support, including the state aid, twelve dollars and fifty cents per month. Amount of aid allowed.

2210f. Every claim for aid under this chapter must be presented to and audited and allowed by the state board of examiners, and when allowed in whole or in part, it is the duty of the controller to draw his warrant for the amount thereof in favor of the president and treasurer of the board of directors, and it is the duty of the state treasurer to pay the same, on due presentation. Auditing of claims for aid.

2210g. All moneys received by the directors or any officer of the home (except such as may be paid to them by the state for disbursement), including pension moneys belonging to the pensioners in the home, must be paid over to the treasurer of the board, to be used for the support and maintenance of the home. Disposition of moneys received.

CHAPTER 371.

An act to amend sections three hundred and eighty-seven, three hundred and eighty-eight, and three hundred and eighty-nine of the Code of Civil Procedure, all relating to parties to civil actions.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

387. At any time before trial, any person, who has an interest in the matter in litigation, or in the success of either of the parties, or an interest against both, may intervene in the action or proceeding. An intervention takes place when a third person is permitted to become a party to an action or proceeding between other persons, either by joining the plaintiff in claiming what is sought by the complaint, or by Intervention, when and how.

uniting with the defendant in resisting the claims of the plaintiff, or by demanding anything adversely to both the plaintiff and the defendant, and is made by complaint, setting forth the grounds upon which the intervention rests, filed by leave of the court and served upon the parties to the action or proceeding who have not appeared, and upon the attorneys of the parties who have appeared, who may answer or demur to it within ten days from the service thereof, if served within the county wherein said action is pending, or within thirty days if served elsewhere.

SEC. 2. Section three hundred and eighty-eight of said code is hereby amended to read as follows:

Associates
may be
sued
by name of
associa-
tion.

388. When two or more persons, associated in any business, transact such business under a common name, whether it comprises the names of such persons or not, the associates may be sued by such common name, the summons in such cases being served on one or more of the associates; and the judgment in the action shall bind the joint property of all the associates, and the individual property of the party or parties served with process, in the same manner as if all had been named defendants and had been sued upon their joint liability.

SEC. 3. Section three hundred and eighty-nine of said code is hereby amended to read as follows:

Court may
order
amended
pleadings,
when.

389. The court may determine any controversy between parties before it, when it can be done without prejudice to the rights of others, or by saving their rights; but when a complete determination of the controversy can not be had without the presence of other parties, the court must then order them to be brought in, and to that end may order amended and supplemental pleadings, or a cross-complaint to be filed, and summons thereon to be issued and served. And when, in an action for the recovery of real or personal property, or to determine conflicting claims thereto, a person, not a party to the action, but having an interest in the subject thereof, makes application to the court to be made a party, it may order him to be brought in, by the proper amendment.

CHAPTER 372.

An act to amend sections four hundred and twenty-two, four hundred and twenty-seven, four hundred and thirty, four hundred and thirty-one, four hundred and thirty-nine, four hundred and forty-two, four hundred and forty-three, four hundred and forty-four, four hundred and forty-six, and four hundred and fifty-nine of the Code of Civil Procedure, all relating to pleadings in civil actions.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

422. The only pleadings allowed on the part of the plaintiff are: Pleadings,
what
allowed.

1. The complaint;
2. The demurrer to the answer;
3. The demurrer to the cross-complaint;
4. The answer to the cross-complaint.

And on the part of the defendant:

1. The demurrer to the complaint;
2. The answer;
3. The cross-complaint;
4. The demurrer to the answer to the cross-complaint.

SEC. 2. Section four hundred and twenty-seven of said code is hereby amended to read as follows:

427. The plaintiff may unite several causes of action in the same complaint, where they all arise out of: What
causes of
action may
be joined.

1. Contracts, express or implied;
2. Claims to recover specific real property, with or without damages for the withholding thereof, or for waste committed thereon, and the rents and profits of the same;
3. Claims to recover specific personal property, with or without damages for the withholding thereof;
4. Claims against a trustee by virtue of a contract or by operation of law;
5. Injuries to character;
6. Injuries to person;
7. Injuries to property;
8. Claims arising out of the same transaction, or transactions connected with the same subject of action, and not included within one of the foregoing subdivisions of this section.

The causes of action so united must all belong to one only of these classes, and must affect all the parties to the action, and not require different places of trial, and must be separately stated; but an action for malicious arrest and prosecution, or

either of them, may be united with an action for either an injury to character or to the person.

SEC. 3. Section four hundred and thirty of said code is hereby amended to read as follows:

When defendant may demur.

430. The defendant may demur to the complaint within the time required in the summons to answer, when it appears upon the face thereof, either:

1. That the court has no jurisdiction of the person of the defendant, or the subject of the action;

2. That the plaintiff has not legal capacity to sue.

3. That there is another action pending between the same parties for the same cause;

4. That there is a defect or misjoinder of parties plaintiff or defendant;

5. That several causes of action have been improperly united, or not separately stated;

6. That the complaint does not state facts sufficient to constitute a cause of action;

7. That the complaint is ambiguous;

8. That the complaint is unintelligible; or,

9. That the complaint is uncertain.

SEC. 4. Section four hundred and thirty-one of said code is hereby amended to read as follows:

Demurrer must specify grounds.

431. The demurrer must distinctly specify the grounds upon which any of the objections to the complaint are taken. Unless it does so, it may be disregarded. It may be taken to the whole complaint, or to any of the causes of action stated therein, and the defendant may demur and answer at the same time.

SEC. 5. Section four hundred and thirty-nine of said code is hereby amended to read as follows:

Counter-claim, when defendant omits to set up.

439. If the defendant omits to set up a counter-claim upon a cause arising out of the transaction set forth in the complaint as the foundation of the plaintiff's claim, neither he nor his assignee can afterwards maintain an action against the plaintiff therefor.

SEC. 6. Section four hundred and forty-two of said code is hereby amended to read as follows:

Cross-complaint.

442. Whenever the defendant seeks affirmative relief against any party to the action, relating to or depending upon the contract or transaction upon which the action is brought, or affecting the property to which the action relates, he may, in addition to his answer, file at the same time, or by permission of the court subsequently, a cross-complaint. The cross-complaint must be served upon the parties affected thereby, and such parties may demur or answer thereto as to the original complaint.

SEC. 7. Section four hundred and forty-three of said code is hereby amended to read as follows:

Time to demur.

443. The plaintiff may within ten days after the service of the answer demur thereto, or to one or more of the several defenses or counter-claims set up therein.

SEC. 8. Section four hundred and forty-four is hereby amended to read as follows:

444. The demurrer may be taken upon one or more of the following grounds: Demurrer,
grounds of.

1. That several causes of counter-claim have been improperly joined, or not separately stated;
2. That the answer does not state facts sufficient to constitute a defense or counter-claim;
3. That the answer is ambiguous;
4. That the answer is unintelligible; or
5. That the answer is uncertain.

SEC. 9. Section four hundred and forty-six of said code is hereby amended to read as follows:

446. Every pleading must be subscribed by the party or his attorney; and when the complaint is verified, or when the state, or any officer of the state, in his official capacity, is plaintiff, the answer must be verified, unless an admission of the truth of the complaint might subject the party to a criminal prosecution, or, unless an officer of the state, in his official capacity, is defendant. In all cases of a verification of a pleading, the affidavit of the party must state that the same is true of his own knowledge, except as to the matters which are herein stated on his information or belief, and as to those matters that he believes it to be true; and where a pleading is verified, it must be by the affidavit of a party, unless the parties are absent from the county where the attorney has his office, or from some cause unable to verify it, or the facts are within the knowledge of his attorney or other person verifying the same. When the pleading is verified by the attorney, or any other person except one of the parties, he must set forth in the affidavit the reasons why it is not made by one of the parties. When a corporation is a party, the verification may be made by any officer thereof. When the state, or any county thereof, or any officer of the state, or of any county thereof, in his official capacity is plaintiff, the complaint need not be verified. Verifica-
tion of
pleadings.

SEC. 10. Section four hundred and fifty-nine of said code is hereby amended to read as follows:

459. In pleading a private statute, or an ordinance of a county or municipal corporation, or a right derived therefrom, it is sufficient to refer to such statute or ordinance by its title and the day of its passage. In pleading the performance of conditions precedent under a statute or an ordinance of a county or municipal corporation, or of a right derived therefrom, it is not necessary to state the facts showing such performance, but it may be stated generally that the party duly performed all the conditions on his part required thereby; if such allegations be controverted the party pleading must establish on the trial the facts showing such performance. Private
statutes,
how
pleaded.

CHAPTER 373.

An act to amend sections five hundred and thirty-nine, five hundred and fifty-three, five hundred and fifty-four, and five hundred and fifty-five of the Code of Civil Procedure, and to add a new section thereto to be numbered five hundred and sixty, all relating to the attachment of property as security for the satisfaction of judgments.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Undertaking on attachment.

539. Before issuing the writ, the clerk must require a written undertaking on the part of the plaintiff, in the sum not less than two hundred dollars and not exceeding the amount claimed by the plaintiff, with sufficient sureties, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, and that if the attachment is discharged on the ground that the plaintiff was not entitled thereto under section five hundred and thirty-seven, the plaintiff will pay all damages which the defendant may have sustained by reason of the attachment, not exceeding the sum specified in the undertaking. At any time after the issuing of the attachment, but not later than five days after actual notice of the levy thereof, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objections to them. When excepted to, the plaintiff's sureties, upon notice to the defendant of not less than two nor more than five days, must justify before a judge or county clerk in the same manner as upon bail on arrest; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the judge or clerk must issue an order vacating the writ of attachment.

Exceptions to sureties.

SEC. 2. Section five hundred and fifty-three of said code is hereby amended to read as follows:

If defendant recover judgment, duty of sheriff.

553. If the defendant recovers judgment against the plaintiff, and no appeal is perfected and undertaking executed and filed as provided in section nine hundred and thirty-seven, any undertaking received in the action, all the proceeds of sales and money collected by the sheriff, and all the property attached remaining in the sheriff's hands, must be delivered to the defendant or his agent, the order of attachment be discharged, and the property released therefrom.

SEC. 3. Section five hundred and fifty-four of said code is hereby amended to read as follows:

554. Whenever the defendant has appeared in the action, he may, upon reasonable notice to the plaintiff, apply to the court in which the action is pending, or to the judge thereof, for an order to discharge the attachment, wholly or in part; and upon the execution of the undertaking mentioned in the next section an order may be made, releasing from the operation of the attachment any or all of the property attached; and all of the property so released, and all of the proceeds of the sales thereof, must be delivered to the defendant, upon the justification of the sureties on the undertaking, if required by the plaintiff. Such justification must take place within five days after notice of the filing of such undertaking.

Proceedings to release attachments.

SEC. 4. Section five hundred and fifty-five of said code is hereby amended to read as follows:

555. Before making such order, the court or judge must require an undertaking on behalf of the defendant, by at least two sureties, residents and freeholders, or householders, in the state, to the effect that in case the plaintiff recovers judgment in the action, defendant will, on demand, redeliver the attached property so released to the proper officer, to be applied to the payment of the judgment, or, in default thereof, that the defendant and sureties will, on demand, pay to the plaintiff the full value of the property released, not exceeding the amount of such judgment. The court or judge making such order may fix the sum for which the undertaking must be executed, and if necessary in fixing such sum to know the value of the property released, the same may be appraised by one or more disinterested persons, to be appointed for that purpose. The sureties may be required to justify before the court or judge, and the property attached can not be released from the attachment without their justification, if the same is required.

Release from attachment, requirements by court.

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

560. An attachment as to any real property may be released by a writing signed by the plaintiff, or his attorney, or the officer who levied the writ, and acknowledged and recorded in the like manner as a grant of real property; and upon the filing of such release, it is the duty of the recorder to note the same on the record of the copy of the writ on file in his office. Such attachment may also be released by an entry in the margin of the record thereof, in the county recorder's office, in the manner provided for the discharge of mortgages under section twenty-nine hundred and thirty-eight of the Civil Code.

Release of real property from attachment.

CHAPTER 374.

An act to amend sections five hundred and sixty-six and five hundred and sixty-seven of the Code of Civil Procedure, both relating to receivers.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Receiver, restrictions on appointment.

566. No party, or attorney of a party, or person interested in an action, or related to any judge of the court by consanguinity or affinity within the third degree, can be appointed receiver therein without the written consent of the parties, filed with the clerk. If a receiver is appointed upon an ex parte application, the court, before making the order, must require from the applicant an undertaking, with sufficient sureties, in an amount to be fixed by the court, to the effect that the applicant will pay to the defendant all damages he may sustain by reason of the appointment of such receiver and the entry by him upon his duties, in case the applicant shall have procured such appointment wrongfully, maliciously, or without sufficient cause; and the court may, in its discretion, at any time after said appointment, require an additional undertaking.

Ex parte application, undertaking on.

SEC. 2. Section five hundred and sixty-seven of said code is hereby amended to read as follows:

Oath and undertaking of receiver.

567. Before entering upon his duties, the receiver must be sworn to perform them faithfully, and with two or more sureties, approved by the court or judge, execute an undertaking to the State of California, in such sum as the court or judge may direct, to the effect that he will faithfully discharge the duties of receiver in the action and obey the orders of the court therein.

CHAPTER 375.

An act to amend sections five hundred and seventy-two and five hundred and seventy-three of the Code of Civil Procedure, both relating to deposit in court and to repeal section two thousand one hundred and four of said code.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Deposit in court.

572. When it is admitted by the pleadings, or shown upon the examination of a party to the action, that he has in his possession, or under his control, any money or other thing

capable of delivery, which, being the subject of litigation, is held by him as trustee for another party, or which belongs or is due to another party, the court may order the same, upon motion, to be deposited in court or delivered to such party, upon such conditions as may be just, subject to the further direction of the court.

SEC. 2. Section five hundred and seventy-three of said code is hereby amended to read as follows:

573. Whenever money is paid into or deposited in court, the same must be delivered to the clerk in person, or to such of his deputies as shall be specially authorized by his appointment in writing to receive the same. He must, unless otherwise directed by law, deposit it with the county treasurer, to be held by him subject to the order of the court. The treasurer must keep each fund distinct, and open an account with each. Such appointment must be filed with the county treasurer, who must exhibit it, and give to each person applying for the same a certified copy of the same. It shall be in force until a revocation in writing is filed with the county treasurer, who must thereupon write "revoked," in ink, across the face of the appointment. For the safe-keeping of the money deposited with him the treasurer is liable on his official bond.

Clerk must deposit money with county treasurer.

SEC. 3. Section two thousand one hundred and four of said code is hereby repealed.

Sec. 2104, Code of Civil Procedure, repealed.

CHAPTER 376.

An act to amend sections five hundred and eighty-one, five hundred and eighty-two and five hundred and eighty-five of the Code of Civil Procedure, to add a new section thereto, to be numbered five hundred and eighty-one a, all relating to judgments.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

581. An action may be dismissed, or a judgment of nonsuit entered, in the following cases:

1. By the plaintiff himself, by written request to the clerk, filed with the papers in the case, at any time before the trial, upon payment of his costs; *provided*, a counter-claim has not been set up, or affirmative relief sought by the cross-complaint or answer of the defendant. If a provisional remedy has been allowed, the undertaking must thereupon be delivered by the clerk to the defendant, who may have his action thereon;

2. By either party, upon the written consent of the other;

3. By the court, when either party fails to appear on the trial, and the other party appears and asks for the dismissal;

Action, when may be dismissed or nonsuit entered.

4. By the court, when, upon the trial and before the final submission of the case, the plaintiff abandons it;

5. By the court, upon motion of the defendant, when upon the trial the plaintiff fails to prove a sufficient case for the jury.

The dismissals mentioned in subdivisions one and two hereof are made by entry in the clerk's register. The dismissals mentioned in subdivisions three, four, and five of this section must be made by orders of the court entered upon the minutes thereof, and are effective for all purposes when so entered; but the clerk of the court must note such orders in his register of actions in the case.

SEC. 2. A new section is hereby added to said code, to be numbered five hundred and eighty-one *a*, and to read as follows:

Dismissal
of action
for failure
to issue
summons,
when.

581a. No action heretofore or hereafter commenced shall be further prosecuted, and no further proceedings shall be had therein, and all actions heretofore or hereafter commenced must be dismissed by the court in which the same shall have been commenced, on its own motion, or on motion of any party interested therein, whether named in the complaint as a party or not, unless summons shall have issued within one year, and all such actions must be in like manner dismissed, unless the summons shall be served and return thereon made within three years after the commencement of said action. But all such actions may be prosecuted, if appearance has been made by the defendant or defendants, within said three years in the same manner as if summons had been issued and served; *provided*, that, except in actions to partition or to recover possession of, or to enforce a lien upon, or to determine conflicting claims to, real or personal property, no dismissal shall be had under this section as to any defendant because of the failure to serve summons on him during his absence from the state, or while he has secreted himself within the state to prevent the service of summons on him.

SEC. 3. Section five hundred eighty-two is hereby amended to read as follows:

Judgment
on merits.

582. In all cases other than those mentioned in the last two sections, judgment must be rendered on the merits.

SEC. 4. Section five hundred and eighty-five of said code is hereby amended to read as follows:

Judgment
upon
failure to
answer,
in what
cases may
be had.

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract for the recovery of money or damages only, if no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted, the clerk, upon application of the plaintiff, must enter the default of the defendant, and immediately thereafter enter judgment for the amount demanded in the complaint, including the costs, against the defendant, or against one or more of several defendants, in the cases provided for in section four hundred and fourteen;

2. In other actions, if no answer has been filed with the clerk of the court within the time specified in the summons, or such

further time as may have been granted, the clerk must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment, or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved, by a reference as above provided;

3. In actions where the service of the summons was by publication, the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer has been filed, apply for judgment; and the court must thereupon require proof to be made of the demand mentioned in the complaint; and if the defendant is not a resident of the state, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to any one for his use, on account of such demand, and may render judgment for the amount which he is entitled to recover.

CHAPTER 377.

An act to amend sections six hundred and two and six hundred and fifteen of the Code of Civil Procedure, both relating to jury trials.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

602. Challenges for cause may be taken on one or more of the following grounds:

1. A want of any of the qualifications prescribed by this code to render a person competent as a juror;

2. Consanguinity or affinity within the fourth degree to any party, or to an officer of a corporation which is a party;

3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, to either party, or to an officer of a corporation which is a party, or being a member of the family of either party, or a partner in business with either party, or surety on any bond or obligation for either party;

4. Having served as a juror or been a witness on a previous trial between the same parties, for the same cause of action;

5. Interest on the part of the juror in the event of the action, or in the main question involved in the action, except his interest as a member or citizen of a municipal corporation;

Challenges
for cause,
grounds of.

6. Having an unqualified opinion or belief as to the merits of the action, founded upon knowledge of its material facts, or of some of them;

7. The existence of a state of mind in the juror evincing enmity against or bias to either party;

8. That he is a party to an action pending for trial in the court for which he is drawn, and which action is set for trial before the panel of which he is member.

SEC. 2. Section six hundred and fifteen of said code is hereby amended to read as follows:

Proceedings if juror becomes sick.

615. If, after the impaneling of the jury, and before verdict, a juror becomes sick, so as to be unable to perform his duty, the court may order him to be discharged. In that case the trial may proceed with the other jurors with the consent of the parties, or another juror may be sworn and the trial begin anew; or the jury may be discharged and a new jury then or afterwards impaneled.

CHAPTER 378.

An act to amend section six hundred and forty-one of the Code of Civil Procedure, relating to referees.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Objection to referee, grounds of.

641. A party may object to the appointment of any person as referee, on one or more of the following grounds:

1. A want of any of the qualifications prescribed by statute to render a person competent as a juror;

2. Consanguinity or affinity, within the third degree, to either party, or to an officer of a corporation which is a party, or to any judge of the court in which the appointment shall be made;

3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, to either party; or being a member of the family of either party; or a partner in business with either party; or security on any bond or obligation for either party;

4. Having served as a juror or been a witness on any trial between the same parties for the same cause of action;

5. Interest on the part of such person in the event of the action, or in the main question involved in the action;

6. Having formed or expressed an unqualified opinion or belief as to the merits of the action;

7. The existence of a state of mind in such person evincing enmity against or bias to either party.

CHAPTER 379.

An act to amend sections six hundred and forty-seven, six hundred and forty-nine, six hundred and fifty, six hundred and fifty-one, and six hundred and fifty-two of the Code of Civil Procedure, all relating to exceptions.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

647. The verdict of the jury, the final decision in an action or proceeding, an interlocutory order or decision, finally determining the rights of the parties, or some of them; an order or decision from which an appeal may be taken; an order sustaining or overruling a demurrer, allowing or refusing to allow an amendment to a pleading, striking out a pleading or a portion thereof, refusing a continuance, modifying, giving, or refusing to give, in whole or in part, an instruction to the jury; an order made upon ex parte application, and an order or decision made in the absence of a party, are deemed to have been excepted to.

Verdict or order in absence of party, deemed excepted to.

SEC. 2. Section six hundred and forty-nine of said code is hereby amended to read as follows:

649. A bill containing the exception to any decision may be presented to the court or judge for settlement within ten days after the decision is made, and after having been settled, must be signed by the judge and filed with the clerk. When the decision excepted to is made by a tribunal other than a court, or by a judicial officer, the bill of exceptions must be presented to, and settled and signed by, such tribunal or officer.

Exceptions, when to be presented.

SEC. 3. Section six hundred and fifty of said code is hereby amended to read as follows:

650. When a party desires to have exceptions taken at a trial settled in a bill of exceptions, he may, at any time thereafter, and within ten days after the entry of judgment, if the action was tried with a jury, or after receiving notice of the entry of judgment, if the action was tried without a jury, or such further time as the court in which the action is pending, or a judge thereof, may allow, prepare the draft of a bill, and serve the same by copy thereof upon the adverse party. Such draft must contain all the exceptions and proceedings taken upon which the party relies. It may also contain a statement of any matters occurring upon the trial, in the presence of the court, showing any of the matters mentioned in subdivisions one and two of section six hundred and fifty-seven of this code. Within ten days after such service the adverse party may propose amendments thereto, and serve the same, or a copy thereof,

Bill of exceptions, preparation and settlement of.

upon the other party. The proposed bill and amendments must, within ten days thereafter, be presented by the party seeking the settlement of the bill, to the judge who tried or heard the case, upon five days' notice to the adverse party, or be delivered to the clerk of the court for the judge. When received by the clerk he must immediately deliver them to the judge, if he is in the county; if he is absent from the county, and either party desires the papers to be forwarded to the judge, the clerk must, upon notice in writing of such party, immediately forward them by mail, or other safe channel; if not thus forwarded, the clerk must deliver them to the judge immediately after his return to the county. When received from the clerk, the judge must designate the time at which he will settle the bill, and the clerk must immediately notify the parties of such designation. At the time designated the judge must settle the bill. The bill must thereupon be engrossed and presented to the judge to be certified, by the party presenting it, within ten days, and upon being certified must within five days thereafter be served upon the adverse party. If the action was tried before a referee, the proposed bill, with the amendments, if any, must be presented to such referee for settlement within ten days after service of the amendments, upon notice of five days to the adverse party, and thereupon the referee must settle the bill. If no amendments are served, or if served are allowed, the proposed bill may be presented, with the amendments, if any, to the judge or referee, for settlement, without notice to the adverse party. It is the duty of the judge or referee, in settling the bill, to strike out of it all redundant and useless matter so that the exceptions and proceedings may be presented as briefly as possible. When settled, the bill must be signed by the judge or referee, with his certificate to the effect that the same is allowed, and must then be filed with the clerk.

When
action
tried
before
referee, by
whom
settled.

SEC. 4. Section six hundred and fifty-one of said code is hereby amended to read as follows:

Exceptions
after
judgment.

651. Exceptions to any decision made after judgment may be presented to the judge at the time of such decision, and be settled or noted, as provided in section six hundred and forty-nine, or a bill thereof may be presented and settled afterward, as provided in section six hundred and fifty, and within like periods after entry of the order, upon appeal from which such decision is reviewable.

SEC. 5. Section six hundred and fifty-two of said code is hereby amended to read as follows:

Proceed-
ings if
judge
refuse to
allow bill
of excep-
tions.

652. If the judge in any case refuses to allow a bill of exceptions in accordance with the facts, the party desiring the bill settled may apply by petition to the supreme court to prove the same; the application may be made in the mode and manner, and under such regulations as that court may prescribe; and the bill, when proven, must be certified by the chief justice as correct, and filed with the clerk of the court in which the action was tried, and when so filed it has the same force and effect as if settled by the judge who tried the cause.

CHAPTER 380.

An act to amend sections six hundred and fifty-six, six hundred and fifty-nine, six hundred and sixty, and to re-number and amend section six hundred and sixty-three and a half of the Code of Civil Procedure, all relating to new trials.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

656. A new trial is a re-examination of an issue of fact in the same court after a trial and decision by a jury, court, or referee. New trial defined.

SEC. 2. Section six hundred and fifty-nine of said code is hereby amended to read as follows:

659. The party intending to move for a new trial must, within ten days after receiving notice of the entry of the judgment, file with the clerk and serve upon the adverse party a notice of his intention, designating the grounds upon which the motion will be made, and whether the same will be made upon affidavits, or the minutes of the court, or a bill of exceptions, or statement of the case: Notice of intention, when to be filed.

1. If the motion is to be made upon affidavits, the moving party must, within ten days after serving the notice, or such further time as the court in which the action is pending, or a judge thereof, may allow, file such affidavits with the clerk, and serve a copy upon the adverse party, who shall have ten days to file counter-affidavits, a copy of which must be served upon the moving party; When motion is to be made upon affidavits.

2. If the motion is to be made upon a bill of exceptions, and no bill has already been settled as hereinbefore provided, the moving party shall have the same time after service of the notice to prepare and obtain a settlement of a bill of exceptions as is provided after the entry of the judgment, or after receiving notice of such entry by section six hundred and fifty, and the bill shall be prepared and settled in a similar manner. If a bill of exceptions has been already settled and filed, when the notice of motion is given, such bill shall be used on the motion; When upon bill of exceptions.

3. If the motion is to be made upon a statement of the case, the moving party must, within ten days after service of the notice, or such further time as the court in which the action is pending, or the judge thereof may allow, prepare a draft of the statement, and serve the same, or a copy thereof, upon the adverse party. If such proposed statement be not agreed to by the adverse party, he must, within ten days thereafter, prepare amendments thereto, and serve the same, or a copy thereof, upon the moving party. If the amendments be When upon statement of the case.

adopted, the statement shall be amended accordingly, and then presented to the judge who tried or heard the cause, for settlement, or be delivered to the clerk of the court for the judge. If not adopted, the proposed statement and amendments shall, within ten days thereafter, be presented by the moving party to the judge, upon five days' notice to the adverse party, or delivered to the clerk of the court for the judge; and thereupon the same proceedings for the settlement of the statement shall be taken by the parties, and the clerk, and judge, as are required for the settlement of bills of exception by section 650. If the action was heard by a referee, the same proceedings shall be had for the settlement of the statement by him as are required by that section for the settlement of bills of exception by a referee. If no amendments are served within the time designated, or if served, are allowed, the proposed statement and amendments, if any, may be presented to the judge or referee, for settlement, without notice to the adverse party. When the notice of the motion designates, as the ground of the motion, the insufficiency of the evidence to justify the verdict or other decision, the statement shall specify the particulars in which such evidence is alleged to be insufficient. When the notice designates, as the ground of the motion, errors in law occurring at the trial, and excepted to by the moving party, the statement shall specify the particular errors upon which the party will rely. If no such specification be made, the statement shall be disregarded on the hearing of the motion. It is the duty of the judge or referee, in settling the statement, to strike out of it all redundant and useless matter, and to make the statement truly represent the case, notwithstanding the assent of the parties to such redundant or useless matter, or to any inaccurate statements. When settled, the statements shall be signed by the judge or referee, with his certificate to the effect that the same is allowed, and shall then be filed with the clerk.

When
upon
minutes
of the
court.

4. When the motion is to be made on the minutes of the court, and the ground of the motion is the insufficiency of the evidence to justify the verdict or other decision, the notice of motion must specify the particulars in which the evidence is alleged to be insufficient; and, if the ground of the motion is errors in law occurring at the trial, and excepted to by the moving party, the notice must specify the particular errors upon which the party will rely. If the notice does not contain the specifications here indicated, when the motion is made on the minutes of the court, the motion must be denied.

SEC. 3. Section six hundred and sixty of said code is hereby amended to read as follows:

Motion,
when to be
heard.

660. The application for a new trial must be heard at the earliest practicable period after notice of the motion, if the motion is to be heard upon the minutes of the court, and in other cases, after the affidavits, bill of exceptions, or statement, as the case may be, are filed, and may be brought to a hearing upon motion of either party. On such hearing reference may be had in all cases to the pleadings and orders of the court

on file, and when the motion is made on the minutes, reference may also be had to any depositions, and documentary evidence offered at the trial, and to the report of the proceedings on the trial taken by the phonographic reporter, or to any certified transcript of such report.

SEC. 4. Section six hundred and sixty-three and a half of said code is numbered six hundred and sixty-three *a*, and amended to read as follows:

663a. The party intending to make the motion mentioned in the last section must, within ten days after notice of the entry of judgment, serve upon the adverse party and file with the clerk of the court a notice of his intention, designating the grounds upon which, and the time at which the motion will be made, and specifying the particulars in which the conclusions of law are not consistent with the finding of facts, or in which the judgment or decree is not consistent with the special verdict. The time designated for the making of the motion must not be more than sixty days from the time of the service of the notice. An order of the court granting such motion may be reviewed on appeal in the same manner as orders made on motions for a new trial, and a statement to be used on such appeal may be prepared in the same manner as statements after a motion is heard upon the minutes of the court, as provided in section six hundred and sixty-one.

Notice of
intention,
service of.

CHAPTER 381.

An act to amend sections six hundred and sixty-four, six hundred and seventy, six hundred and seventy-two, and six hundred and seventy-four of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

664. When trial by jury has been had, judgment must be entered by the clerk, in conformity to the verdict, within twenty-four hours after the rendition of the verdict, unless the court order the case to be reserved for argument or further consideration, or grant a stay of proceedings. If the trial has been had by the court, judgment must be entered by the clerk, in conformity to the decision of the court, immediately upon the filing of such decision. In no case is a judgment effectual for any purpose until so entered.

Judgment,
within
what time
to be
entered.

SEC. 2. Section six hundred and seventy of said code is hereby amended to read as follows:

Judgment roll, what constitutes.

670. Immediately after entering the judgment, the clerk must attach together and file the following papers, which constitute the judgment roll:

1. In case the complaint is not answered by any defendant, the summons, with the affidavit or proof of service; the complaint with a memorandum indorsed thereon that the default of the defendant in not answering was entered, and a copy of the judgment; and in case the service so made is by publication, the affidavit for publication of summons, and the order directing the publication of summons;

2. In all other cases, the pleadings, all orders striking out any pleading in whole or in part, a copy of the verdict of the jury, or finding of the court or referee, and a copy of any order made on demurrer, or relating to a change of parties, and a copy of the judgment; if there are two or more defendants in the action, and any one of them has allowed judgment to pass against him by default, the summons, with proof of its service, on such defendant; and if the service on such defaulting defendant be by publication, then the affidavit for publication, and the order directing the publication of the summons.

SEC. 3. Section six hundred and seventy-two of said code is hereby amended to read as follows:

Docket, what to contain.

672. The docket mentioned in the last section is a book which the clerk keeps in his office, with each page divided into nine columns, and headed as follows: Date of entry in docket; judgment debtors; judgment creditors; judgment; time of entry; where entered in judgment book; appeals, when taken; judgment of appellate court; satisfaction of judgment, when entered. If the judgment is for the recovery of money, the amount must be stated in the docket under the head of judgment; if the judgment is for any other relief, a memorandum of the general character of the relief granted must be stated. The names of the defendants must be entered in alphabetical order.

SEC. 4. Section six hundred and seventy-four of said code is hereby amended to read as follows:

Transcript, recording in another county.

674. The transcript of the original docket of any judgment, the enforcement of which has not been stayed on appeal, certified by the clerk, may be filed with the recorder of any other county, and from such filing the judgment becomes a lien upon all the real property of the judgment debtor not exempt from execution in such county, owned by him at the time, or which he may afterward, and before the lien expires, acquire. The lien continues for two years unless the judgment is previously satisfied or the lien otherwise discharged.

CHAPTER 382.

An act to add a new section to the Political Code, to be known as section thirty-nine hundred and seventy-five a, providing for the transfer of certain moneys from one county to another, when a new county has been formed and organized.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered and known as section thirty-nine hundred and seventy-five a, and to read as follows:

3975a. Whenever a county has been formed, it shall be the duty of the treasurer of the county or counties out of whose territory said new county shall have been formed, to immediately cause to be transferred to the county treasurer of the new county thus formed, all moneys standing to the credit of or belonging to any road or school district, the territory comprising which has been segregated from such old county, and which is included within the boundaries of such new county. Whenever, in the formation of a new county, a road or school district has been divided, the board of supervisors shall, by order, direct the treasurer to transfer a proportionate amount of the moneys remaining in the fund of such district to the treasurer of the new county. This section shall be held to apply expressly to counties heretofore divided and new counties created from the territory of the same, when no provision was made in the act creating such county for the transfer of the moneys herein provided to be made. A compliance with the provisions of this section shall be a full and complete settlement of all debts which the new county had against the old county or counties.

Transfer of moneys when new county has been formed.

CHAPTER 383.

An act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new title is hereby added to Part III of the Code of Civil Procedure, to read as follows:

TITLE XIV.

PROCEEDINGS FOR THE ADJUSTMENT, SETTLEMENT, AND PAYMENT OF ANY INDEBTEDNESS EXISTING AGAINST ANY CITY OR MUNICIPAL CORPORATION AT THE TIME OF EXCLUSION OF TERRITORY THEREFROM, AND THE DIVISION OF THE PROPERTY THEREOF.

- Section 1822*c.* Petition for adjustment of indebtedness.
 1822*d.* Who may demur to or answer petition. Rules of pleading and practice.
 1822*e.* How amount determined.
 1822*f.* Same.

Petition for adjustment of indebtedness.

1822*c.* When territory has been or shall be excluded from any municipal corporation, the superior court of the county in which such municipal corporation is situate shall, upon a verified petition of any ten taxpayers residing in such municipal corporation, or in the territory excluded therefrom, made for the purpose of adjusting the amount of the indebtedness of such municipal corporation existing at the time of the exclusion of such territory due from the excluded territory, and stating the facts of such exclusion and the amount of such indebtedness, cause notice to be given by publication thereof in a newspaper published in such city or municipal corporation, or in a newspaper published in the county in which such city or municipal corporation is situated, for ten days, stating the substance of such petition, and the time and place that the same shall be heard by said superior court, which time of hearing shall be at least fifteen days after the filing of such petition, or at any time thereafter to which such hearing may be continued by the court.

Who may demur or answer.

1822*d.* Any person, corporation, or taxpayer interested in such city or municipal corporation, or in such excluded territory, or in the adjustment and settlement of such indebtedness, may demur to or answer said petition. The rules of pleading and practice provided by this code which are not in conflict with the provisions of this title, are hereby made applicable to the special proceedings herein provided for. The persons so demurring or answering said petition shall be the defendants to said special proceedings, and the signers of the petition shall be the plaintiffs.

How amount due from excluded territory determined.

1822*e.* Upon the hearing of such special proceedings, the court shall have power to determine the amount due from such excluded territory to the municipal corporation from which it was excluded as its proportion of the indebtedness of such municipal corporation existing at the time such territory was excluded. In fixing the amount due from such excluded territory, the said court must ascertain and find the purposes for which the said indebtedness was created; the manner and place in which the proceeds of said indebtedness were expended; the value of the property belonging to the said municipal corporation at the time of such exclusion; the assessed value of the property situate in said municipal corporation at the time the city assessment was made imme-

diately preceding such exclusion, and the assessed value of the excluded territory as shown by such city assessment. If the value of the property belonging to said municipal corporation, and which remains within the boundaries thereof after such exclusion, should exceed the value of city or municipal property situated in such excluded territory, and also exceed the pro rata portion of the indebtedness of the municipal corporation due from such excluded territory as shown by said assessment, the court shall find and adjudge that there is nothing due from such excluded territory. After such finding is made, and judgment rendered by the court, such excluded territory shall not be subject to the payment of any such indebtedness, and all property belonging to such municipal corporation remaining within its boundaries shall belong exclusively to it.

1822f. If the court finds, after deducting the value of the city or municipal property from the value of that in the excluded territory, and the pro rata portion of the indebtedness to be borne by such excluded territory, a balance due from such excluded territory, it shall render judgment accordingly, and the amount of such judgment shall be collected and paid in the same manner and at the same time that the assessment is levied for, and the collection of the annual municipal taxes is made upon the property remaining in such municipal corporation for any payment on account of such indebtedness; *provided, however*, that any such territory excluded from any municipal corporation may, at any time, tender to the legislative body of such city or municipal corporation the amount for which such excluded territory is liable on account of such indebtedness, and after such tender is made the authority of such municipal corporation to levy and assess taxes on such excluded territory shall forever cease.

How judgment shall be collected.

CHAPTER 384.

An act to amend section fifteen hundred and ninety-one of the Code of Civil Procedure, to repeal section sixteen hundred and forty thereof, and to add a new section thereto, to be numbered fifteen hundred and ninety-two, both relating to the management of the estates of deceased persons.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifteen hundred and ninety-one of the Code of Civil Procedure is hereby amended to read as follows:

Disposition
of estate
recovered.

1591. All real estate so recovered must be sold for the payment of debts, in the same manner as if the decedent had died seized thereof, upon obtaining an order therefor from the court; and the proceeds of all goods, chattels, rights, and credits so recovered must be appropriated in payment of the debts of the decedent in the same manner as other property in the hands of the executor or administrator. The remainder of the proceeds, after all the debts of the decedent have been paid, must be paid to the person from whom such property was recovered.

SEC. 2. A new section is hereby added to said code, to be numbered fifteen hundred and ninety-two, to read as follows:

Pending
settlement,
court may
order
moneys
invested.

1592. Pending the settlement of any estate, on the petition of any person interested therein, and upon good cause shown therefor, the court may order any moneys in the hands of the executors or administrators to be invested for the benefit of the estate in securities of the United States or of this state. Such order can only be made after publication of notice of the petition for not less than ten days in some newspaper, to be designated by the court or a judge thereof.

Sec. 1640,
Code
of Civil
Procedure,
repealed.

SEC. 3. Section sixteen hundred and forty of the Code of Civil Procedure is hereby repealed.

CHAPTER 385.

An act to amend sections fifteen hundred and ninety-eight, sixteen hundred, and sixteen hundred and seven of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Petition
for
executor to
make con-
veyance.

1598. On the presentation of a verified petition by the executor or administrator, or by any person claiming to be entitled to such conveyance from an executor or administrator, setting forth the facts upon which the claim is predicated, the court, or a judge thereof, must appoint a time and place for hearing the petition, and must order notice thereof to be served on the executor or administrator personally when he is not the petitioner, and published at least four successive weeks before such hearing, in such newspaper in this state as the court may designate.

SEC. 2. Section sixteen hundred of said code is hereby amended to read as follows:

1600. If, after a full hearing upon the petition and objections, and examination of the facts and circumstances of the claim, the court is satisfied that the petitioner is entitled to a conveyance of the real estate described in the petition, a decree authorizing and directing the executor or administrator to execute a conveyance thereof to the petitioner must be made. Decree authorizing conveyance, when must be made.

SEC. 3. Section sixteen hundred and seven of said code is hereby amended to read as follows:

1607. The decree provided for in this chapter may direct the possession of the property therein described to be surrendered to the person entitled thereto, upon his producing a certified copy of the decree, when, by the terms of the contract, possession is to be surrendered. Surrender of possession may be decreed.

CHAPTER 386.

An act to amend sections sixteen hundred and twenty-two and sixteen hundred and thirty-six of the Code of Civil Procedure, and to repeal sections sixteen hundred and twenty-three, sixteen hundred and twenty-four, and sixteen hundred and twenty-five thereof, all relating to accounts of executors and administrators and the settlement of such accounts.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1622. When required by the court, either upon its own motion or upon the application of any person interested in the estate, the executor or administrator must render an exhibit under oath, showing the amount of money received and expended by him, the amount of all claims presented against the estate, and the names of the claimants, and all other matters necessary to show the condition of its affairs. Exhibit of condition of estate.

SEC. 2. Section sixteen hundred and twenty-three of said code is hereby repealed. Sec. 1623 repealed.

SEC. 3. Section sixteen hundred and twenty-four of said code is hereby repealed. Sec. 1624 repealed.

SEC. 4. Section sixteen hundred and twenty-five of said code is hereby repealed. Sec. 1625 repealed.

SEC. 5. Section sixteen hundred and thirty-six of said code is hereby amended to read as follows:

1636. All matters, including allowed claims not passed upon on the settlement of any former account, or on rendering an exhibit, or on making a decree of sale, may be contested by the heirs, for cause shown. The hearing and allegations of the All matters may be contested by the heirs.

respective parties may be postponed from time to time, when necessary, and the court may appoint one or more referees to examine the accounts, and make report thereon, subject to confirmation; and may allow a reasonable compensation to the referees, to be paid out of the estate of the decedent. Whenever an allowed claim is contested by any heir, or other person entitled to contest it, either the contestant or the claimant is entitled to a trial by jury of the issues of fact presented by the contest; and it is the duty of the court, at request of either party, to call a jury and submit to them such issues, and, after receiving their verdict, to enter an order disposing of such contest in accordance therewith.

CHAPTER 387.

An act to amend sections sixteen hundred and forty-three, sixteen hundred and forty-four, and sixteen hundred and forty-seven of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Order in which debts must be paid.

1643. The debts of the estate, subject to the provisions of section twelve hundred and five, must be paid in the following order:

1. Funeral expenses;
2. The expenses of the last sickness;
3. Debts having preference by the laws of the United States;
4. Judgments rendered against the decedent in his lifetime, and mortgages and other liens in the order of their date;
5. All other demands against the estate.

If a debt is payable in a particular kind of money or currency, it must be paid only in such money or currency. If the estate is insolvent, no greater rate of interest must be paid upon any debt, from the time of the first publication of notice to creditors, than is allowed by law on judgments.

SEC. 2. Section sixteen hundred and forty-four of said code is hereby amended to read as follows:

When property insufficient to pay mortgage

1644. The preference given in the preceding section to a mortgage or lien only extends to the proceeds of the property subject to the mortgage or lien. If the proceeds of such property are insufficient to pay the mortgage or lien, the part remaining unsatisfied must be classed with general demands against the estate.

SEC. 3. Section sixteen hundred and forty-seven of said code is hereby amended to read as follows:

1647. Upon the settlement of the account of the executor or administrator, provided for in section sixteen hundred and twenty-eight, the court must make an order for the payment of the debts, as the circumstances of the estate require. If there are not sufficient funds in the hands of the executor or administrator, the court must specify in the decree the sum to be paid to each creditor. If the whole property of the estate is exhausted by such payment or distribution, such account must be considered as a final account, and the executor or administrator is entitled to his discharge on producing and filing the necessary vouchers and proofs showing that such payments have been made, and that he has fully complied with the decree of the court.

Order for
payment of
debts.

Discharge
of
executor.

CHAPTER 388.

An act to amend section seventeen hundred and seventeen of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1717. If no jury is demanded, the court must try the issues joined, and sign and file its decision in writing, as provided in sections six hundred and thirty-two and six hundred and thirty-three. If, on written demand, a jury is called by either party, and the issues are not sufficiently made up by the written pleadings on file, the court, on due notice to the opposite party, must settle and frame the issues to be tried, and submit the same, together with the evidence of each party, to the jury, on which they must render a verdict. Either party may move for a new trial, upon the same grounds and errors, and in like manner, as provided in this code for civil actions.

Court to
try issues
when
jury not
demanded.

CHAPTER 389.

An act to repeal sections seventeen hundred and thirty-three and seventeen hundred and thirty-four, and to amend section seventeen hundred and thirty-seven of the Code of Civil Procedure, all relating to public administrators.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sec. 1733
repealed.

SECTION 1. Section seventeen hundred and thirty-three of the Code of Civil Procedure is hereby repealed.

Sec. 1734
repealed.

SEC. 2. Section seventeen hundred and thirty-four of said code is hereby repealed.

SEC. 3. Section seventeen hundred and thirty-seven of said code is hereby amended to read as follows:

Estate
moneys
to be
deposited
with
county
treasurer.

1737. It is the duty of every public administrator, as soon as he receives the same, to deposit with the county treasurer of the county in which the probate proceedings are pending, all moneys of the estate; and such moneys may be drawn upon the order of the public administrator, countersigned by a superior judge, when required for the purposes of administration. It is the duty of the county treasurer to receive and safely keep all such moneys, and pay them out upon the order of the public administrator, when countersigned by a superior judge, and not otherwise, and to keep an account with such estate of all moneys received and paid to him; and the county treasurer must be allowed one per cent upon all moneys received and kept by him, and no greater fees for any services herein provided; and for the safe-keeping and payment of all such moneys, as herein provided, the said treasurer and his sureties are responsible upon his official bond. The moneys thus deposited may, upon order of the court, be invested, pending the proceedings, in securities of the United States, or of this state, when such investment is deemed by the court to be for the best interests of the estate. After a final settlement of the affairs of any estate, if there are no heirs, or other claimants thereof, the county treasurer must pay into the state treasury all moneys and effects in his hands belonging to the estate, upon order of the court; and if any such moneys and effects escheat to the state, they must be disposed of as other escheated estates.

Invest-
ment
pending
pro-
ceedings.

CHAPTER 390.

An act to repeal Title XIII of Part III of the Code of Civil Procedure and to substitute a new Title XIII to take the place thereof in said code, relating to estates of missing persons.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Title XIII of Part III of the Code of Civil Procedure is hereby repealed, and a new Title XIII is substituted to take the place thereof in said code, to read as follows:

Title XIII,
Part III,
repealed.

TITLE XIII.

ESTATES OF MISSING PERSONS.

Section 1822. Trustees of the estates of missing persons. Appointment of
by the court.

1822a. Bonds to be given by trustees.

1822b. Powers and duties of trustees.

1822. Whenever any resident of this state, who owns or is entitled to the possession of any real or personal property situate therein, is missing, or his whereabouts unknown, for ninety days, and a verified petition is presented to the superior court of the county of which he is a resident by his wife or any of his family or friends, representing that his whereabouts has been, for such time, and still is, unknown, and that his estate requires attention, supervision, and care of ownership, the court must order such petition to be filed, and appoint a day for its hearing, not less than ten days from the date of the order. The clerk of the court must thereupon publish, for at least ten days prior to the day so appointed, a notice in some newspaper published in the county, stating that such petition will be heard at the court-room of the court at the time appointed for the hearing. The court may direct further notice of the application to be given in such manner and to such persons as it may deem proper. At the time so fixed for such hearing, or at any subsequent time to which the hearing may be postponed, the court must hear the petition and the evidence offered in support of or in opposition thereto, and, if satisfied that the allegations thereof are true, and that such person remains missing, and his whereabouts unknown, must appoint some suitable person to take charge and possession of such estate, and manage and control it under the direction of the court. In appointing a trustee, the court must prefer the wife of the missing person (if any such there is), or her nominee, and, in the absence of a wife, some person, if such there is who is willing to act, entitled to participate in the distribution of the missing person's estate were he dead.

Estates
of missing
persons,
petition for
trustee of.

Who to be
preferred.

Bond of trustee.

1822a. Every person appointed under the provisions of the preceding section must give bond in the amount and as provided for in section thirteen hundred and eighty-eight.

Powers and duties of trustee.

1822b. The trustee must take possession of the real and personal estate in this state of such missing person, and collect and receive the rents, income, and proceeds thereof, collect all indebtedness owing to him, and pay the expenses thereof out of the trust funds, and pay such indebtedness of the missing person as may be authorized by the court. The court may direct the trustee to pay to the person or persons constituting the family of the missing person such sum or sums of money for family expenses and support from the income of the estate as it may, from time to time, determine. The trustee must, from time to time, when directed by the court, account to and with it for all his acts as trustee, and the court may, at any time, upon good cause shown, remove any trustee, and appoint another in his place.

CHAPTER 391.

An act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoenas.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Subpoena, how issued.

1986. A subpoena is issued as follows:

1. To require attendance before a court, or at the trial of an issue therein, or upon the taking of a deposition in an action or proceeding pending therein, it is issued by the clerk of the court in which the action or proceeding is pending, under the seal of the court, or if there is no clerk or seal then by a judge or justice of such court;

2. To require attendance before a commissioner appointed to take testimony by a court of a foreign country, or of the United States, or of any other state in the United States, or before any officer or officers empowered by the laws of the United States to take testimony, it may be issued by the clerk of the superior court of the county in which the witness is to be examined, under the seal of such court;

3. To require attendance out of court, in cases not provided for in subdivision one, before a judge, justice, or other officer authorized to administer oaths or take testimony in any matter under the laws of this state, it is issued by the judge, justice, or other officer before whom the attendance is required.

If the subpoena is issued to require attendance before a court, or at the trial of an issue therein, it is issued by the clerk, as of course, upon the application of the party desiring it. If it is issued to require attendance before a commissioner or other officer upon the taking of a deposition, it must be issued by the clerk of the superior court of the county wherein the attendance is required upon the order of such court or of a judge thereof, which order may be made ex parte.

SEC. 2. Section nineteen hundred and ninety-one of said code is hereby amended to read as follows:

1991. Disobedience to a subpoena, or a refusal to be sworn, or to answer as a witness, or to subscribe an affidavit or deposition when required, may be punished as a contempt by the court issuing the subpoena. When the subpoena, in any such case, requires the attendance of the witness before an officer or commissioner out of court, it is the duty of such officer or commissioner to report any such disobedience or refusal to the court issuing the subpoena; and the witness must not be punished for any refusal to answer a question or to subscribe an affidavit or deposition, unless, after a hearing upon notice, the court orders him to so answer or subscribe and then only for disobedience to such order. Any judge, justice, or other officer mentioned in subdivision three of section nineteen hundred and eighty-six, may report any such disobedience or refusal to the superior court of the county in which such attendance was required; and such court thereupon has power, upon notice, to order the witness to perform the omitted act, and any refusal or neglect to comply with such order may be punished as a contempt of such court.

Disobedi-
ence to
subpœna,
how
punished.

CHAPTER 392.

An act to amend sections twenty hundred and six, twenty hundred and twenty-four, twenty hundred and twenty-five, twenty hundred and twenty-six, twenty hundred and thirty-six, and twenty hundred and thirty-seven of the Code of Civil Procedure, to repeal sections twenty hundred and thirty-three and twenty hundred and thirty-four thereof, and to add two new sections thereto, to be numbered twenty hundred and twenty-two and twenty hundred and twenty-three, all relating to depositions.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

2006. Depositions must be taken in the form of question and answer. The words of the witness must be written down, in the presence of the witness, by the officer taking the deposition, or by some disinterested person appointed by him. It

Deposi-
tions, how
taken.

may be taken down in shorthand, in which case it must be transcribed into longhand by the person who took it down. When completed, it must be carefully read to or by the witness and corrected by him in any particular, if desired, by writing or causing his corrections to be written in the body or margin of or at the bottom of the deposition, and must then be subscribed by the witness. The officer before whom the deposition is taken must write his initials near said corrections. If the parties agree in writing to any other mode, the mode so agreed upon must be followed.

SEC. 2. A new section is hereby added to said code, to be numbered two thousand and twenty-two, and to read as follows:

May be read in evidence by either party.

2022. A deposition taken and returned, as provided in this chapter, may, except as provided in section twenty hundred and thirty-two, be read in evidence by either party at any stage of the action or proceeding in which it was taken, or in any other action or proceeding between the same parties or their privies or successors in interest upon the same subject, and is then deemed the evidence of the party reading it; but the court may exclude the same if it appears that the taking thereof was in any material respect unfair.

SEC. 3. A new section is hereby added to said code, to be numbered two thousand and twenty-three, and to read as follows:

Court may order deposition if adverse party in default.

2023. If an adverse party is in default for not appearing and answering within the time allowed by law or the court, or if, in a special proceeding, some or all of the parties interested have not appeared, the court may authorize a deposition to be taken without the service of any affidavit upon, or the giving of any notice to, the party so in default or not appearing, or may provide that notice be given to him in such mode as to the court may seem proper.

SEC. 4. Section twenty hundred and twenty-four of said code is hereby amended to read as follows:

Deposition of witness out of state, how taken.

2024. The deposition of a witness out of this state may be taken upon a commission issued from the court under the seal of the court, upon an order of the court, or a judge or a justice thereof, on the application of either party, upon five days' previous notice to the other. If the court is a justice's court, the commission must have attached to it a certificate of the clerk of the superior court of the county in which such justice's court is held, under the seal of such superior court, to the effect that the person issuing the same was an acting justice of the peace at the date of the commission. If issued to any place within the United States, it may be directed to a person agreed upon by the parties, or if they do not agree, to any judge or justice of the peace or commissioner selected by the court or judge or justice issuing it. If issued to any country out of the United States, it may be directed to a minister, ambassador, consul, vice-consul, or consular agent of the United States in such country, or to any person agreed upon by the parties.

SEC. 5. Section twenty hundred and twenty-five of said code is hereby amended to read as follows:

2025. The party moving for the commission must, unless it is waived by the other party, attach to the notice of the motion the interrogatories upon which he desires it to be taken. On the hearing of the motion, the other party must propose such cross-interrogatories as he may desire. If the parties do not agree as to the form of the interrogatories, the court must settle their form, but such agreement or settlement does not preclude either party, when the deposition is offered in evidence, from interposing any objection to any interrogatory except as to the form thereof. The settlement of interrogatories may be had at the time of the hearing of the motion, or at any other time which the court may appoint; but the moving party must, if he request it, be allowed two days within which to propose such redirect interrogatories as the cross-interrogatories proposed render proper. When agreed upon or settled, the interrogatories must be annexed to the commission; or, when the parties agree to that mode, or the court on the application of either party, after a hearing had upon two days' notice to the opposite party, so directs, the examination must be without written interrogatories.

Interrogatories.

Settlement of.

SEC. 6. Section twenty hundred and twenty-six of said code is hereby amended to read as follows:

2026. The commission must authorize the commissioner to administer an oath to the witness and to take his deposition in answer to the interrogatories, or when the examination is to be without interrogatories, in respect to the question in dispute, and to certify the deposition to the court, in a sealed envelope, directed to the clerk, if there be one, and if not, to the judge thereof, and forwarded to him by mail or other usual channel of conveyance.

Authority of commissioner.

SEC. 7. Section twenty hundred and thirty-three of said code is hereby repealed.

Sec. 2033 repealed.

SEC. 8. Section twenty hundred and thirty-four of said code is hereby repealed.

Sec. 2034 repealed.

SEC. 9. Section twenty hundred and thirty-six of said code is hereby amended to read as follows:

2036. If a commission to take such testimony has been issued by the court before which such action or proceeding is pending, or by a judge thereof, on exhibiting the commission to the superior court of the county in which the witness resides, with an affidavit showing the materiality of his testimony, such superior court may issue a subpoena to the witness, requiring him to appear and testify before the commissioner named in the commission, at a specified time and place within such county.

How to procure witness upon commission.

SEC. 10. Section twenty hundred and thirty-seven of said code is hereby amended to read as follows:

2037. If a commission has not been issued, and it appears to a judge of the superior court, or to a justice of the peace, by affidavit satisfactory to him:

How, if commission not issued.

1. That the testimony of the witness is material to either

party, and that he resides in the county in which such judge or justice holds office;

2. That a commission to take the testimony of such witness has not been issued;

3. That, according to the law of the state where the action or special proceeding is pending, the deposition of a witness taken under such circumstances, and before such judge or justice, will be received in the action or proceeding;

He must issue his subpoena requiring the witness to appear and testify before him at a specified time and place.

CHAPTER 393.

An act to amend section twenty hundred and twelve of the Code of Civil Procedure, relating to affidavits.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty hundred and twelve of the Code of Civil Procedure is hereby amended to read as follows:

2012. An affidavit to be used before any court, judge, or officer of this state may be taken before any officer authorized to administer oaths.

Affidavits
to be used
in this
state, be-
fore whom
taken.

CHAPTER 394.

An act to amend sections twenty hundred and forty-three and twenty hundred and fifty-four of the Code of Civil Procedure, both relating to the examination of witnesses.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

2043. If either party requires it, the judge may exclude from the court-room any witness of the adverse party not at the time under examination, so that he may not hear the testimony of other witnesses; but a party to the action or proceeding cannot be so excluded; and if a corporation is a party thereto, it is entitled to the presence of one of its officers, to be designated by its attorney.

What
witnesses
may be
excluded.

SEC. 2. Section twenty hundred and fifty-four of said code is hereby amended to read as follows:

2054. Whenever a writing is shown to a witness, it may be inspected by the opposite party, and no question must be put to the witness concerning a writing until it has been so shown to him.

Writing shown to witness may be inspected.

CHAPTER 395.

An act to amend section twenty hundred and sixty-four and twenty hundred and seventy of the Code of Civil Procedure, both relating to witnesses.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

2064. A witness, served with a subpoena, must attend at the time appointed, with any papers under his control lawfully required by the subpoena, and answer all pertinent and legal questions; and, unless sooner discharged, must remain until the testimony is closed.

Sub-pœnaed witness bound to attend.

SEC. 2. Section twenty hundred and seventy of said code is hereby amended to read as follows:

2070. The court or officer before whom the attendance is required, may discharge the witness from an arrest made in violation of section twenty hundred and sixty-seven. If the court has adjourned before the arrest, or before application for the discharge, a judge of the court may grant the discharge.

Court may discharge witness from arrest.

CHAPTER 396.

An act to repeal section twenty-one hundred and four of the Code of Civil Procedure, relating to deposit in court.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-one hundred and four of the Code of Civil Procedure is hereby repealed.

Sec. 2104, Code of Civil Procedure, repealed.

CHAPTER 397.

An act to amend section 1 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 creating, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20th, A. D. 1905.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sacramento Drainage District, amendment to act of 1905.

Section 1 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, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905, is hereby amended so as to read as follows:

Name and boundaries of district.

Section 1. There is hereby created a drainage district to be known and designated as "Sacramento Drainage District," the boundaries of which said district are as follows:

Commencing at the northwest corner of section twenty-six, Tp. 3 N. R. 1 E. M. D. B. & M. Thence southeast to the southeast corner of said section twenty-six; thence east on section line to the southwest corner of section twenty-nine, Tp. 3 N. R. 2 E. Thence northeast to the northeast corner of said section twenty-nine; thence east one half mile; thence north one half mile; thence east one half mile; thence northeasterly in a direct line to the southeast corner of Tp. 4 N. R. 2 E. Thence north along range line to southeast corner of section twelve, Tp. 4 N. R. 2 E. Thence west one mile to the southwest corner of section twelve; thence northwest in a direct line to the southeast corner of section twenty-nine, Tp. 5 N. R. 2 E. Thence northwesterly in a direct line to the quarter section corner of the west line of section twenty-nine, Tp. 5 N. R. 2 E. Thence west one and one-half miles to the center of section twenty-five, Tp. 5 N. R. 1 E. Thence following quarter section lines north four miles to center of section one, Tp. 5 N. R. 1 E. Thence east one half mile to the quarter section corner on the east line of section one, Tp. 5 N. R. 1 E. Thence north one half mile to the north-

west corner of Tp. 5 N. R. 2 E. Thence east along township line one mile more or less to the southwest corner of section thirty-two, Tp. 6 N. R. 2 E. Thence following legal subdivision line in said Tp. 6 N. R. 2 E. north one mile to the northwest corner of section thirty-two; east one half mile to the quarter section corner of the south line of section twenty-nine; north one half mile to the center of section twenty-nine; east one half mile to the quarter section corner on the east line of section twenty-nine; north one half mile to the northwest corner of section twenty-eight; east one half mile to the quarter section corner on the south line of section twenty-one; north one half mile to the center of section twenty-one; east one half mile to the quarter section corner on the east line of section twenty-one; north one and one half miles to the northwest corner of section fifteen; east one mile to the northeast corner of section fifteen; north one half mile to the quarter section corner on the west line of section eleven; east one mile to the quarter section corner on the east line of section eleven; north one half mile to the northwest corner of section twelve; east one mile to the northeast corner of section twelve; thence north along the range line one mile to the northwest corner of Tp. 6 N. R. 3 E. East one half mile to the quarter section corner on the south line of section thirty-one, Tp. 7 N. R. 3 E. Thence following the legal subdivision lines in Tp. 7 N. R. 3 E. north two miles to the quarter section corner on the north line of section thirty; east one half mile to the northeast corner of section thirty; north two and one half miles to the quarter section corner on the west line of section eight; east one mile to the quarter section corner on the east line of section eight; thence north two and one half miles along section lines to the northwest corner of section thirty-three, Tp. 8 N. R. 3 E. Thence west along section line two miles to the southwest corner of section thirty, Tp. 8 N. R. 3 E.; thence north along the township line to the southwest corner of section six in said township; thence east one and one half miles to the quarter section corner on the south boundary of section five in said township; thence north one mile to the quarter section corner on the north line of said section five; thence west along section lines two and one half miles to the southwest corner of section thirty-six, Tp. 9 N. R. 2 E. Thence north along section line three miles to the northwest corner of section twenty-four, Tp. 9 N. R. 2 E. Thence west one half mile to the quarter section corner on the south line of section fourteen, Tp. 9 N. R. 2 E. Thence along quarter section line four miles to the quarter section corner on the north line of section thirty-five, Tp. 10 N. R. 2 E. Thence east one mile to the quarter section corner on the north line of section thirty-six in said township; thence north one mile to the quarter section corner on the north line of section twenty-five in said township; thence east one half mile to the township line; thence north two miles to the northeast corner of section thirteen in said township; thence west one quarter of a mile; thence north one half mile; thence west three quarters of a mile to the quarter section corner on the west boundary of

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section twelve in said township; thence north one mile to the quarter section corner on the west boundary of section one in said township; thence west one half mile to the center of section two; thence north one and one half miles to the quarter section corner on the north line of section thirty-five, Tp. 11 N. R. 2 E. Thence west to the northwest corner of section thirty-five in said township. Thence following legal subdivision lines in Tp. 11 N. R. 2 E. north two miles to the northwest corner of section twenty-three; west two miles to the southwest corner of section sixteen, north one half mile to the quarter section corner on the east line of section seventeen; west one half mile to the center of section seventeen, north one quarter mile, west one half mile to the west line of section seventeen, north one quarter mile to the northwest corner of section seventeen; thence west one quarter of a mile; thence north one quarter of a mile; thence west one half mile; thence north one half mile; thence west one quarter of a mile to the west boundary of section seven; thence south three quarters of a mile to the southwest corner of section seven; thence west on section lines two miles to the southwest corner of section eleven, Tp. 11 N. R. 1 E. Thence following legal subdivision lines in Tp. 11 N. R. 1 E. north one mile to the northwest corner of section eleven, west one half mile to the quarter section corner on the south line of section three, north one half mile to the center of section three, west three miles to the center of section six, north one half mile to the quarter section corner on the north line of section six; thence west along township line one half mile to the southwest corner of Tp. 12 N. R. 1 E. Thence north along range line one mile to the northwest corner of section thirty-one Tp. 12 N. R. 1 E. Thence following legal subdivision lines in Tp. 12 N. R. 1 W. west one half mile to the quarter section corner on the south line of section twenty-five, north one mile to the quarter section corner on the north line of section twenty-five, west one quarter mile, north one mile to the north line of section twenty-four, west one half mile, north one mile to the north line of section fourteen, east one quarter mile to the southwest corner of section twelve, north one mile to the northwest corner of section twelve, east one half mile to the quarter section corner on the south line of section one; thence north on quarter section lines two miles to the quarter section corner on the north line of section thirty-six, Tp. 13 N. R. 1 W.; thence following legal subdivision lines in Tp. 13 N. R. 1 W. east one quarter mile, north one half mile, west one quarter mile to the center of section twenty-five, north one quarter mile, west one quarter mile, north one half mile, west one quarter mile to the west line of section twenty-four, north one quarter mile to the quarter section corner on the east line of section twenty-three, west one quarter mile, north one quarter mile, west one quarter mile, north one quarter mile to the quarter section corner on the north line of section twenty-three, west one quarter mile, north one quarter mile, west one half mile, north one quarter mile, west one half mile, north one quarter mile, west one quarter mile to the west line of section fifteen, north one quarter mile to the northwest

corner of section fifteen, west one quarter mile, north one mile to the north line of section nine, west one quarter mile to the quarter section corner on the south line of section four, north one half mile to the center of section four, west one quarter mile, north one half mile to the north line of section four; thence west along the township line three quarters of a mile to the quarter section corner on the south line of section thirty-two, Tp. 14 N. R. 1 W. Thence following legal subdivision lines in Tp. 14 N. R. 1 W. north one and one half miles to the center of section twenty-nine, west one half mile to the quarter section corner on the west line of section twenty-nine, north one half mile to the northwest corner of section twenty-nine, west one quarter mile, north one and one quarter miles, west one quarter mile, north one half mile, west one quarter mile, north one quarter mile to the north line of section eighteen, west one quarter mile to the northwest corner of section eighteen; thence north along the range line two miles to the northwest corner of Tp. 14 N. R. 1 W. Thence along legal subdivision lines in Tp. 15 N. R. 2 W. as follows: West one half mile to the quarter section corner on the south boundary of section thirty-six; thence north one and one half miles to the center of section twenty-five; thence west one half mile to the quarter section corner on the west boundary of section twenty-five; thence north two and one half miles to the southeast corner of section eleven; thence west one half mile to the quarter section corner on the south line of section eleven; thence north one mile to the quarter section corner on the north line of section eleven; thence west one half mile to the southwest corner of section two; thence north one mile to the northwest corner of section two; thence west one half mile to the quarter section corner on the south line of section thirty-four, Tp. 16 N. R. 2 W. Thence following legal subdivision lines in Tp. 16 N. R. 2 W. as follows: North one half mile to the center of section thirty-four, west one half mile to the quarter section corner on the west line of section thirty-four; thence north one half mile to the northwest corner of section thirty-four; thence west one half mile to the quarter section corner on the south line of section twenty-eight; thence north one half mile to the center of section twenty-eight; thence west one half mile to the quarter section corner on the west line of section twenty-eight; thence north four and one half miles to the southeast corner of section thirty-two, Tp. 17 N. R. 2 W. Thence west along township line one mile to the southwest corner of said section thirty-two; thence north six miles to the southwest corner of section thirty-two, Tp. 18 N. R. 2 W. Thence east one mile to the southeast corner of said section thirty-two; thence north six miles to the northeast corner of section five in said township; thence east on township line to the southwest corner of Tp. 19 N. R. 1 W. Thence north four miles along range line; thence east two miles more or less to the center of the Sacramento river; thence northerly following the center line of said river to its intersection with the north line of Tp. 19 N. R. 1 W. Thence east along township lines four miles more or less to the northeast corner of Tp. 19 N.

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of district.

R. 1 W. Thence south along meridian line five miles to the northwest corner of section thirty-one, Tp. 19, N. R. 1 E. Thence east along the north line of said section thirty-one to the west line of Rancho Aguas Frias; then southerly along the west line of the said rancho one mile to the north line of Tp. 18 N. R. 1 E. Thence east along the north line of sections six and five, Tp. 18 N. R. 1 E., to the northeast corner of section five, Tp. 18 N. R. 1 E. Thence south following section line eleven miles to the southeast corner of section twenty-nine, Tp. 17 N. R. 1 E. Thence west one half mile to the quarter section corner on the north line of section thirty-two, Tp. 17 N. R. 1 E. Thence south along quarter section line two miles to the quarter section corner on the south line of section five, Tp. 16 N. R. 1 E. Thence west one half mile to the northeast corner of section seven, Tp. 16 N. R. 1 E. Thence south one mile to the southeast corner of said section seven; thence west one mile to the southwest corner of said section seven; thence south along range line two miles to the northwest corner of section thirty, Tp. 16 N. R. 1 E. Thence following legal subdivision lines in Tp. 16 N. R. 1 E. east one quarter mile; thence south one half mile; thence east one quarter mile to the center of section thirty; thence south one half mile to the quarter section corner on the south line of section thirty; thence east one half mile to the northeast corner of section thirty-one; thence south one mile to the northeast corner of section six, Tp. 15 N. R. 1 E. Thence following legal subdivision lines in Tp. 15 N. R. 1 E. south one half mile to the quarter section corner on the west line of section five, east one half mile to the center of section five, south one half mile to the quarter section corner on the south line of section five, east one and one half miles to the northeast corner of section nine, south one half mile to the quarter section corner on the west line of section ten, east one mile to the quarter section corner on the east line of section ten; south one half mile to the southeast corner of section ten. Thence east on section lines to the center of Feather river; thence along the center of Feather river to its intersection with Yuba river; thence up the center of Yuba river to where the center of said river crosses the section line running north and south between sections sixteen and seventeen in Tp. 15 N. R. 4 E. Thence south on section line to the southwest corner of section four, Tp. 13 N. R. 4 E. Thence east three miles; thence north to the north boundary of Tp. 13 N. R. 4 E. Thence east along township line five miles; thence south two miles to the southwest corner of section eleven, Tp. 13 N. R. 5 E. Thence west on section line one mile; thence south one mile to the southwest corner of section fifteen, Tp. 13 N. R. 5 E. Thence west on section line two miles to the northeast corner of section nineteen, Tp. 13 N. R. 5 E. Thence south one mile to the southeast corner of said section nineteen; thence west on section line to the northwest corner of section twenty-eight, Tp. 13 N. R. 4 E. Thence south along section line nine miles to the southeast corner of section five, Tp. 11 N. R. 4 E. Thence east on section line two miles to the northeast corner of section ten; thence south three miles to the southeast corner

of section twenty-two; thence east one mile to the northeast corner of section twenty-six; thence south two miles to the southeast corner of section thirty-five; thence east along the north line of section one, Tp. 10 N. R. 4 E., to the northeast corner of Tp. 10 N. R. 4 E. Thence south along range line six miles more or less to the southeast corner of Tp. 10 N. R. 4 E. Thence east along township line one half mile more or less to the west line of Rancho del Paso; thence south along the west line of said rancho four miles; thence east three and one half miles more or less to a point due north from the northeast corner of section fifteen, Tp. 8 N. R. 5 E. Thence south four miles more or less to the northeast corner of section fifteen, Tp. 8 N. R. 5 E. Thence following legal subdivision lines in Tp. 8 N. R. 5 E. south one mile to the southeast corner of section fifteen, west two miles to the southwest corner of section sixteen; south two miles to the southeast corner of section twenty-nine; east one mile to the northeast corner of section thirty-three; thence south along section lines four miles to the southeast corner of section sixteen, Tp. 7 N. R. 5 E. Thence west one mile to the southwest corner of section sixteen, Tp. 7 N. R. 5 E. Thence south along section line seven miles to the southeast corner of section twenty, Tp. 6 N. R. 5 E. Thence east on section lines to the center of the Cosumnes river; thence down the center of the Cosumnes river to the center of the Mokelumne river; thence down the center of the Mokelumne river to its forks at New Hope Landing; thence down the center of the south fork of the Mokelumne river to its intersection with Potato slough near the northwest corner of section thirteen, Tp. 3 N. R. 4 E. Thence down the center of Potato slough to its intersection with Little Connection slough. Thence down the center of Little Connection slough to the center of the San Joaquin river; thence down the center of said river to a point due south of the place of beginning; thence north to the place of beginning.

SEC. 2. This act shall be in full force and effect from and after its passage.

CHAPTER 398.

An act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two hundred twenty-eight and 35/100 (228.35) dollars is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to pay the claim of F. A. Cromwell against the State of California. The state controller is hereby authorized to draw his warrant for said sum in favor of said F. A. Cromwell, and the state treasurer is hereby directed to pay the same.

Claim of
F. A.
Cromwell,
appropriation.

SEC. 2. This act shall take effect immediately.

CHAPTER 399.

An act to amend section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1238 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Eminent domain, in what behalf 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:

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.

2. Public buildings and grounds for the use of the state, and all other public uses authorized by the legislature of the state.

3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town or school districts; canals, aqueducts, reservoirs, tunnels, flumes, ditches or pipes for conducting or storing water for the use of the inhabitants of any county, incorporated city, or city and county, village or town, 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, 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, chutes, booms, ferries, bridges, toll roads, byroads, 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, pondings, 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.

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possess-

ors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. Byroads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

7. Telegraph and telephone lines.

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 public buildings, belonging to the state, or to any college or university.

9. Roads for transportation by traction engines or road locomotives.

10. Oil pipe-lines.

11. Roads and flumes for logging or lumbering purposes.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts, pipes and outlets, natural or otherwise, from sources other than a navigable lake, for supplying, storing and discharging water for or in connection with the operation of machinery for the purposes of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills and factories with electric power; and also for the supplying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages or towns; and also for furnishing electricity for lighting, heating or power purposes 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.

13. Electric power lines, electric heat lines; and electric light, heat and power lines.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

15. The plants, or any part thereof or any record therein, of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of such persons, firms or corporations, or which are used by them in their respective businesses; *provided, however*, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purpose of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided further*, that such right shall be exercised only by the city, city and county, county or municipality, whose records, or part of whose records, have been, or may be, so lost or destroyed.

Sec. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Eminent domain, in what behalf may be exercised.

Plants of searchers of public records.

CHAPTER 400.

An act to provide for the payment of the claim of Fred A. Treat, district attorney of Monterey county, for costs in foreclosing delinquent purchasers of state school lands, and making an appropriation therefor.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Claim of
Fred A.
Treat,
appropriation.

SECTION 1. The sum of thirty dollars is hereby appropriated, payable out of any moneys in the state treasury not otherwise appropriated, to pay the claim of Fred A. Treat, district attorney of the county of Monterey, for expenses incurred in foreclosing delinquent purchasers of state school lands, in Monterey county.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable, upon demands audited by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 401.

An act to amend section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1232 of the Code of Civil Procedure, is hereby amended to read as follows:

Hearing of
application for
dissolution.

1232. After the time of publication has expired, the court may, upon five days' notice to the persons who have filed objections, or without further notice, if no objections have been filed, proceed to hear and determine the application, and if all the statements therein made are shown to be true, must declare the corporation dissolved. A certified copy of the decree and order of the court dissolving the corporation must be filed in the office of the secretary of state.

CHAPTER 402.

An act to pay the claim of Mrs. John F. Kidder, against the State of California.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of seven hundred and forty dollars (\$740.00), to pay the claim of Mrs. John F. Kidder, against the State of California. Claim of Mrs. John F. Kidder, appropriation.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of Mrs. John F. Kidder for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 403.

An act to amend an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, amended by amending sections one, two, three, four, five, six, seven, eight and nine thereof, and by adding two new sections thereto, to be known as sections 10a and 10b, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said act may pay the same and be restored to their former rights.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six of an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, amended by amending sections one, two, three, four, five, six, seven, eight and nine thereof, and by adding two new sections thereto, to be known as sections 10a and 10b, relating to a license tax upon corporations, and making provision for set- License tax upon corporations, act amended.

ting the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906, is hereby amended so as to read as follows:

Revival of corporations which failed to pay license tax.

Section 6. Any corporation which failed to pay the license tax and penalty required by the act, or any amendment thereof, and of which is amendatory may on or before noon on July 1, 1907, pay all the said license taxes and penalties prescribed by section one of said act and the amendments thereto and any such corporation making such payment shall be relieved from the forfeiture prescribed by the act of which this act is amendatory, and all persons exercising the powers of any such corporation making such payment shall be relieved from the provisions of section nine of said act of which this act is amendatory, and the secretary of state shall immediately after the first day of July 1, 1907, transmit to the county clerk of each county in this state a list of the corporations so paying pursuant to the provisions of this section, which list shall be by said county clerk filed in his office; *provided*, that in case the name of any corporation which has suffered the forfeiture prescribed by the act of which this act is amendatory, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture then said corporation having suffered said forfeiture shall be relieved therefrom pursuant to the terms of this section of this act only upon the adoption by said corporation seeking revivor of a new name, and in such case nothing in this act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name; and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state and upon the issuing of a certification to such corporation by the secretary of state setting forth the right of such corporation to take such new name or use its former name as the case may be; *provided, however*, that the secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state and which has not suffered the forfeiture prescribed by the act of which this act is amendatory or to make or use a name so closely resembling the name of such corporation heretofore organized in this state, as will tend to deceive. The provisions of title eleven, part three of the Code of Civil Procedure in so far as they conflict with this section of this act are not applicable to corporations seeking revivor under this act.

List of revived corporations to be sent to county clerks.

Name of revived corporation.

Right to use former name.

Sec. 2. Section 10a of said act is hereby amended so as to read as follows:

Directors to settle affairs of corporation.

Section 10a. In all cases of forfeiture under the provisions of this act, the directors or managers in office of the affairs of any domestic corporation, whose charter may be so forfeited, or of any foreign corporation whose right to do business in this state may be so forfeited, are deemed to be trustees of the corporation and stockholders or members of the corporation

whose power or right to do business is forfeited and have full power to settle the affairs of the corporation and to maintain or defend any action or proceeding then pending in behalf of or against any of said corporations, or to take such legal proceedings as may be necessary to fully settle the affairs of said corporation, and such directors or managers, as such trustees, may be sued in any of the courts of this state by any person having a claim against any of said corporations.

Provided always that no action pending against any corporation shall abate thereby, but may be prosecuted to final judgment the same may be enforced by execution with the same force and effect and in like manner as though no forfeiture had occurred; and

Provided further: That where judgment has been entered against any corporation prior to forfeiture under this act, that notwithstanding execution may be issued thereon and the property of said corporation, or which may come into the hands of any trustees for it may be levied upon, seized and sold to satisfy the same with like force and effect as though such forfeiture has not occurred.

Pending actions not abated.

Judgment entered prior to forfeiture may be enforced, how.

SEC. 3. This act shall take effect immediately.

CHAPTER 404.

An act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That in all cases where a bond or bonds have been given to secure the observance, fulfillment and performance of each and every term or condition, terms or conditions, or any thereof, of a franchise or privilege granted by a board of supervisors, board of trustees or common council, or other governing or legislative body of any county, city and county, city or town within this state, the governing or legislative body of such county, city and county, city or town may, upon the petition of the owner of said franchise or privilege, or upon the petition of the sureties on said bond or bonds, or upon the petition of any one or more of said sureties, cancel and annul said bond or bonds, and release the sureties thereon from any future liability, and accept and take in lieu thereof a new bond or bonds to be approved by the governing or legislative body of such county, city and county, city or town, in the

Bonds to secure conditions of franchises, petition for release.

New bonds, conditions of.

same penal sum and containing the same terms and conditions as the bond or bonds so canceled and annulled; which new bond or bonds must be executed by the owner of said franchise or privilege and by new sureties satisfactory to the governing or legislative body of such county, city and county, city or town; *provided*, that any person, firm or corporation who acted as surety on the old bond or bonds so canceled and annulled may act as surety on the new bond or bonds, if the same be satisfactory to the governing or legislative body of such county, city and county, city or town.

Corporation
surety.

When old
bond shall
become
annulled.

SEC. 2. Immediately upon the acceptance by the governing or legislative body of such county, city and county, city or town of any new bond or bonds, filed with the governing or legislative body of such county, city and county, city or town as herein provided for, the old bond or bonds shall become canceled and annulled, and the sureties thereon shall by such cancellation and annulment be released from any future liability on such old bond or bonds, but such cancellation and annulment shall not release said sureties from any past liability; and thereafter the new bond or bonds, herein provided for, shall take the place of such old bond or bonds.

SEC. 3. This act shall take effect immediately.

CHAPTER 405.

An act to amend section 7 of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said courts and to fix the compensation of certain officers thereof," approved March 21st, one thousand nine hundred and five.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Police
courts in
cities
of second
class.

SECTION 1. Section seven of an act entitled, "An act to establish police courts in cities of the second class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 21st, one thousand nine hundred and five, is hereby amended to read as follows:

Prosecuting
attorney,
by whom
appointed.

Section 7. Each of said police courts shall have one prosecuting attorney, who shall each be appointed by the district attorney of the county in which the city is situated and who shall hold office for the term of two years from the date of his appointment.

Salary.

Each of said prosecuting attorneys shall receive an annual salary of two thousand (\$2,000) dollars, which salary shall be paid in equal monthly installments out of the treasury of

said city, which salaries shall be in full compensation for all services rendered by them.

It shall be the duty of said prosecuting attorneys to attend the sessions of said police courts and conduct on behalf of the people all prosecutions for public offenses of which said courts have jurisdiction. Duty.

SEC. 2. This act shall take effect immediately.

CHAPTER 406.

An act making an appropriation to pay the claim of Chas. J. Morf against the State of California.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$150 is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Chas. J. Morf, against the State of California, for the reward offered by the governor of the State of California for the arrest and conviction of Charles N. Jones for the murder of Frank L. Drake. Claim of
Chas. J.
Morf,
appropriation.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of said Chas. J. Morf for the sum of \$150, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 407.

An act to provide for the recordation of contracts and subscription agreements to stock in water users' associations, organized in conformity with an act of congress, approved June 17th, 1902, and to regulate recorders' fees for filing, recording and indexing same.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. All county recorders in this state are hereby authorized and directed to accept from any incorporated water users' association, organized under the laws of the State of California for the purpose of securing the benefits of an act of congress approved June 17th, 1902, known as the "Reclamation Act," books containing printed copies of agreements with the United States, or with such water users' association, in rela- Water
users' asso-
ciations,
county
recorders
to accept
certain
books of.

tion to the lands affected by the projects provided for by said act, and copies of blank forms of subscription agreements to the capital stock of such water users' associations, or the transfer thereof, or other documents necessary to be recorded by such associations and to use such form books or such form blanks for the purpose of recording the same; and recorders shall charge for filing, recording and indexing such documents, papers, writings or contracts the sum of twenty-five cents for each document.

SEC. 2. This act shall take effect immediately.

CHAPTER 408.

An act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953a, 953b and 953c, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders or decrees of the superior court to the supreme court or district courts of appeal.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section, to be numbered and known as section number nine hundred and fifty-three *a* is hereby added to the Code of Civil Procedure, to read as follows:

Prepara-
tion of
papers on
appeal,
notice to
county
clerk.

953a. Any person desiring to appeal from any judgment, order or decree of the superior court to the supreme court or any of the district courts of appeal, may, in lieu of preparing and settling a bill of exceptions pursuant to the provisions of section 650 of this code, file with the clerk of the court from whose judgment, order or decree said appeal is taken, or to be taken, a notice stating that he desires or intends to appeal, or has appealed therefrom, and requesting that a transcript of the testimony offered or taken, evidence offered or received, and all rulings, instructions, acts or statements of the court, also all objections or exceptions of counsel, and all matters to which the same relate, be made up and prepared. Said notice must be filed within ten days after notice of entry of the judgment, order or decree.

Court
reporter to
transcribe
report
of trial.

Upon receiving said notice, it shall be the duty of the court to require the stenographic reporter thereof to transcribe fully and completely the phonographic report of the trial. The stenographic reporter shall, within twenty days after said notice has been filed with the clerk, prepare a transcript of the phonographic report of the trial including therein copies of all writings offered or received in evidence and all other matters and things required by the notice above referred to to be therein contained, and shall file the same with the clerk of

said court. Upon the same being filed, it shall be the duty of the clerk forthwith to give the attorneys appearing in said cause notice that said transcript has been filed, and that within five days after the receipt of said notice the same will be presented to the judge for approval. At the time specified in the notice of the clerk to the attorneys said transcript shall be presented to the judge for his approval, and the judge shall examine the same and see that the same is a full, true and fair transcript of the proceedings had at the trial, the testimony offered or taken, evidence offered or received, instructions, acts or statements of the court, also all objections and exceptions of counsel and matters to which the same relate. The judge shall thereupon certify to the truth and correctness of said transcript and the same shall, when so settled and allowed, be and become a portion of the judgment roll and may be considered on appeal in lieu of the bill of exceptions now provided for by law.

Transcript to be presented to judge for approval.

If the judgment, order or decree appealed from be not included in a judgment roll, the party desiring to appeal shall on the filing of said notice specify therein such of the pleadings, papers, records and files in said cause as he desires to have incorporated in said transcript in addition to the matters hereinbefore required and the same shall be included.

What papers may be incorporated in transcript.

The respondents on said appeal may at the time said transcript is presented for settlement and allowance, require the insertion therein of such other papers, files, documents, records and proceedings of said cause as they then desire to have incorporated therein, and the said papers, files, documents, records and proceedings shall when so incorporated be deemed fully authentic for use on said appeal. The parties may by stipulation omit any matters from said record which they desire to so omit.

What respondents may require.

SEC. 2. A new section, to be numbered and known as section number nine hundred and fifty-three *b* is hereby added to the Code of Civil Procedure, to read as follows :

953*b*. At the time the said notice provided for in the last section is filed with the clerk of the court, the appellant, or person intending to appeal, shall file an undertaking in an amount to be fixed by the clerk, with two good and sufficient sureties, by which the party giving said notice shall undertake and agree to pay to the clerk the cost of preparing said transcript.

Undertaking to pay cost of transcript.

SEC. 3. A new section, to be numbered and known as section number nine hundred and fifty-three *c* is hereby added to the Code of Civil Procedure, to read as follows:

953*c*. Where, on appeals taken from judgments, orders or decrees of the superior court to the supreme court or district courts of appeal the appellant elects to avail himself of the provisions of the three preceding sections, it shall be the duty of the clerk of the court from which the appeal is taken, within ten days after the preparation of the record, to transmit to the clerk of the court to which the appeal is taken, the record prepared in accordance with the provisions of the two preceding sections. Said record shall be filed with the clerk of

Clerk to transmit the prepared record on appeal.

Transcript
need not
be printed.

the court to which the appeal is taken and no transcript thereof need be printed. In filing briefs on said appeal the parties must, however, print in their briefs, or in a supplement appended thereto, such portions of the record as they desire to call to the attention of the court.

CHAPTER 409.

An act to provide for the loan from the school land fund to the State of California of the sum of two hundred fifty thousand dollars, providing for the transfer of said amount from the school land fund to the general fund and for the repayment of said amount with interest thereon, and authorizing the controller to transfer moneys from the school land fund to the general fund and from the general fund to the school land fund and from the general fund to the state school fund to carry out the purposes of this act.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Transfer of
funds for
the benefit
of common
schools.

SECTION 1. The state controller and state treasurer are hereby authorized and directed to transfer to the general fund from the school land fund the sum of two hundred fifty thousand dollars to be held as an investment for the benefit of the common schools of the State of California.

Interest.

SEC. 2. The State of California hereby agrees to pay interest upon the said amount so transferred and loaned from the date of such transfer until the date of such retransfer and repayment, as provided in section three hereof, at the rate of four per cent per annum; said interest to be paid annually on the second day of July of each and every year for the support of the common schools of the state, and the faith of the State of California is hereby pledged for the payment of the interest herein provided.

When
moneys to
be repaid.

SEC. 3. The State of California hereby agrees to repay to the said school land fund the said two hundred fifty thousand dollars as follows:

Fifty thousand dollars thereof upon the second day of July, 1908, and fifty thousand dollars thereof upon the second day of July of each and every year thereafter until the whole of said two hundred fifty thousand dollars shall have been repaid; and the state controller is hereby authorized and directed to transfer from the general fund to the school land fund on the second day of July, 1908, the said sum of fifty thousand dollars and to so transfer a like sum of fifty thousand dollars from said general fund to said school land fund upon the second day of July of each and every year thereafter until the total of said two hundred fifty thousand dollars shall have been

retransferred and repaid. The state controller and state treasurer are also authorized and directed to transfer and pay from the general fund to the state school fund on the second day of July, 1908, the amount of interest that shall then be due, as provided in section two of this act, and to transfer and pay on the second day of July of each and every year thereafter the amount of interest that shall then be due and unpaid until the whole amount of said two hundred fifty thousand dollars, together with the interest thereon, shall have been paid, pursuant to the provisions of this act.

Interest to be paid to state school fund.

SEC. 4. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for each of the years mentioned in sections two and three of this act, the amount required to make the payment of principal and interest, as therein provided.

Appropriation.

SEC. 5. The moneys so loaned and transferred, together with the repayment thereof, are hereby released from the provisions of section 680 of the Political Code.

Exempt from Sec. 680, Political Code.

SEC. 6. This act shall take effect immediately.

CHAPTER 410.

An act to add three new sections to the Code of Civil Procedure, to be known as sections numbers 941a, 941b and 941c of said code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders or decrees of the superior court of the State of California to the supreme court or district courts of appeal thereof.

[Approved March 20, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

941a. Appeals from all judgments, orders or decrees of any of the superior courts of this state, which may pursuant to law be reviewed by the supreme court, or any of the district courts of appeal of this state, may, in addition to the other modes prescribed by law, be taken pursuant to the provisions of the next section.

Appeals, alternative method.

SEC. 2. A new section is hereby added to the Code of Civil Procedure, to be known as nine hundred and forty-one b, and to read as follows:

941b. Any person to whom the right of appeal from any judgment, order or decree of the superior courts of the state is granted, may appeal therefrom by filing with the clerk of the court in which the judgment, order or decree is rendered, a

Notice of appeal, what to contain.

notice entitled in the cause in which said judgment, order or decree was made, which said notice shall state that the person giving the same does thereby appeal to the supreme court or district court of appeal, as the case may be, from the judgment, order or decree, or some specific part thereof; and the said notice must identify the said judgment, order or decree or the part thereof appealed from, with reasonable certainty.

When notice must be filed.

This notice may be filed at any time after the rendition of the judgment, order or decree, but the same must be filed within sixty days after notice of entry of said judgment, order or decree has been served upon the attorneys of record appearing in said cause or proceeding, *provided, however*, that if no notice of entry of judgment be given the notice must, nevertheless, be filed, under any circumstances, not later than six months after the entry of the judgment, order or decree.

Service not required.

This notice need not be served upon any of the parties to the action or the proceeding, or their representatives or attorneys, but when filed within the time herein specified it shall, without further action on the part of the appellant, transfer the cause for decision and determination to the higher court.

In the event of the death of any person having at his death a right of appeal the attorney of record representing the decedent in the court in which the judgment was rendered may appeal therefrom at any time before the appointment of an executor or an administrator of the estate of the decedent.

SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be known as nine hundred and forty-one c, and to read as follows:

Effect of appeal.

941c. Appeals perfected pursuant to the provisions of the foregoing section, shall have the same force and effect as appeals taken pursuant to the provisions of sections 939, 940 and 941 of this code; *provided, however*, that any question may be reviewed therein, which question could be reviewed upon an appeal taken pursuant to the provisions of section 939 of this code, and within sixty days of the rendition of judgment.

CHAPTER 411.

An act to amend section thirty-eight hundred and eighty-one of the Political Code, relating to the correction of clerical omissions, errors or defects in assessment books.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

3881. Clerical omissions or errors or defects in descriptions or defects in form in any assessment book, when it can be ascertained from the assessment book or from the assessor's maps or block books, or from the list furnished by the property owner, what was intended to be assessed, or what should have been assessed, may, with the written consent of the district attorney, be supplied or corrected by the assessor at any time after the assessment was made, prior to the sale for delinquent taxes; *provided*, that where said change will decrease the amount of taxes charged against the taxpayer by reason of said assessment, the consent of the board of supervisors shall also be necessary to said change; *and provided further*, that where said change will increase the amount of taxes charged against the taxpayer by reason of said assessment, the person so charged shall be given at least five days' notice of the time when the matter will be heard by the board of supervisors and he may at such time present any objections he may have to such change to the board of supervisors, and their decision in the matter shall be conclusive. The date and nature of every such correction shall be entered on the assessment book opposite said assessment and the written authority therefor shall be filed by the assessor with the auditor and preserved by the auditor as a public record, and he shall make the proper charges or credits in his account with the tax collector. In the city and county of San Francisco the written consent of the city attorney shall have the same force and effect as the written consent of the district attorney.

Clerical errors in assessment books, corrections.

Consent of supervisors, required, when.

Nature of correction to be entered.

SEC. 2. This act shall take effect immediately.

CHAPTER 412.

An act to amend section 3804 of the Political Code, relating to the refunding of taxes erroneously collected.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

3804. Any taxes, penalties or costs thereon heretofore or hereafter paid more than once, or heretofore or hereafter erroneously or illegally collected, or any taxes heretofore or hereafter paid upon an assessment in excess of the actual cash value of the property so assessed by reason of a clerical error of the assessor as to the excess in such cases, or any taxes heretofore or hereafter paid upon an erroneous assessment of improvements on real estate not in fact in existence when said taxes became a lien, may, by order of the board of super-

Taxes erroneously collected.

May be refunded.

visors, be refunded by the county treasurer. Whenever any payment shall have been made to the state treasurer by the county treasurer as provided by section thirty-eight hundred and sixty-five and section thirty-eight hundred and sixty-six of this code, and it shall afterwards appear to the satisfaction of the board of supervisors that a portion of the money so paid should be refunded as herein provided, said board of supervisors may refund such portion of the said taxes, penalties and costs so paid to the state treasurer, to the person entitled to the same, out of the general fund, and upon the rendering of the report required by section thirty-eight hundred and sixty-eight of this code the auditor shall certify to the controller, in such form as the controller may prescribe, all amounts so refunded, and in the next settlement of the county treasurer with the state, the controller, if satisfied of the legality of such refunding by the said board, shall give such treasurer credit for the state's portion of the amounts so refunded, as prescribed in section thirty-eight hundred and seventy-one of this code. When the taxes, penalties and costs hereinbefore referred to are levied in behalf of any school district or any municipal or other public corporation, and collected by the officers of the county, the same may be refunded upon order of the board of supervisors, and the county treasurer shall pay the amount to be refunded out of any money in his possession belonging to the appropriate fund of such school district or municipal or other public corporation. No order for the refund of taxes, penalties or costs under this section shall be made except upon a verified claim therefor filed within three years after the making of the payment sought to be refunded.

Auditor shall certify amounts to controller.

Taxes from school districts, how refunded.

CHAPTER 413.

An act to add a new section to the Penal Code, to be known as section 273g, relating to indulging in degrading, lewd, immoral or vicious habits or practices, or being habitually drunk in the presence of children.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be known as section 273g, to read as follows:

Immoral practices in presence of children.

· 273g. Any person who in the presence of any child indulges in any degrading, lewd, immoral or vicious habits or practices, or who is habitually drunk in the presence of any child in his care, custody or control, is guilty of a misdemeanor.

CHAPTER 414.

An act to amend section 758 of the Political Code and to add a new section thereto to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the district courts of appeal and prescribing his duties and compensation.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered 759 and to read as follows:

759. Each of the three district courts of appeal may employ and appoint a phonographic reporter, who shall be competent to write in shorthand at the rate of at least one hundred and fifty words per minute and to transcribe the same correctly. His duties shall be to take down in shorthand the proceedings of the court, and to act as secretary to the judges in the discharge of their official duties. His compensation shall be at the rate of twenty-four hundred dollars per annum.

Phono-
graphic
reporters,
district
courts of
appeal.

Compensa-
tion.

SEC. 2. Section 758 of the Political Code is hereby amended to read as follows:

758. Each of the three district courts of appeal may employ and appoint the following officers of their respective courts, whose salaries shall be as follows: One clerk at twenty-four hundred dollars per annum; one deputy clerk at eighteen hundred dollars per annum; one phonographic reporter as provided in section 759, and one bailiff at twelve hundred dollars per annum.

Appoint-
ees, dis-
trict courts
of appeal.

SEC. 3. This act shall take effect immediately.

CHAPTER 415.

An act empowering the boards of supervisors of the several counties of the state, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The boards of supervisors of the several counties of the State of California are authorized to establish, maintain and support, hatcheries for the artificial propagation of fish, and to purchase or import the spawn or ova of fish suitable for food and, permission in writing having first been

Fish
hatcheries,
super-
visors may
establish.

obtained from the state board of fish commissioners, to take the spawn or ova and the sperm or milt of any fish found in the streams of the State of California for the purpose of such artificial propagation in such county hatcheries, and the expense of the establishment, maintenance and support of such hatcheries and of such artificial propagation of fish shall be and become a county charge, and be payable out of the county general fund.

CHAPTER 416.

An act to create a preserve for shellfish and invertebrate animals within a portion of the bay of Monterey and to prohibit taking the same from such preserve for commercial purposes.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Preserve
for shell-
fish, crea-
tion of.

SECTION 1. A preserve for all kinds of shellfish and invertebrate animals is hereby created, which shall consist of that portion of the bay of Monterey bounded and described as follows: Commencing at the extreme point of Point Pinos at the southern entrance to Monterey bay and running thence in a straight line easterly to the eastern shore of said bay at a point north of the town of Sea Side, said point being marked by a permanent monument placed by the United States government surveyors and designated as "Monterey 3, N. O. T. C. & G. S. Sta. "; thence following the shore line on and around the southerly side of said bay to the place of beginning.

Taking
fish there-
from
forbidden.

SEC. 2. No person shall fish for, catch, take or remove any shellfish or invertebrate animals of any kind, for commercial purposes, from the preserve hereby created.

Penalty.

SEC. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding five hundred dollars or imprisonment in the county jail for not exceeding ninety days or by both such fine and imprisonment.

SEC. 4. This act shall take effect from and after its passage.

CHAPTER 417.

An act to amend section four hundred fifty-six of the Political Code, relating to the office of the treasurer of state, his deputy and assistants and the salaries of the deputy and assistants.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

456. The state treasurer may appoint one deputy state treasurer, one bookkeeper, one clerk and one stenographer; all of whom shall be civil executive officers. The annual salary of the deputy state treasurer is twenty-seven hundred dollars; of the bookkeeper two thousand four hundred dollars; of the clerk one thousand six hundred dollars and of the stenographer nine hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of other state officers.

Assistants
to state
treasurer.
Salaries.

SEC. 2. This act shall take effect immediately.

CHAPTER 418.

An act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as section 442½, prohibiting the wearing of the uniform of the United States army or navy or national guard, and providing a penalty for the violation thereof.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be known and designated as section 442½, to read as follows:

442½. Every person, other than an officer or enlisted man of the national guard or naval militia of the State of California, or of any other state, or of the United States army, navy, marine corps or revenue service or forest service, or inmate of any veterans' or soldiers' home, who at any time wears the uniform of the United States army or navy or national guard, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, is guilty of a misdemeanor, and if found guilty of such offense shall be punishable by a fine of not less than one hundred nor more than two hundred and fifty dol-

Wearing
uniform of
United
States
army ex-
cept by
certain
persons,
forbidden.

Theatrical
people.

Civic
societies.

lars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment; *provided*, that nothing in this act shall be construed as prohibiting persons of the theatrical profession from wearing such uniform in any playhouse or theatre while actually engaged in following said profession; *and provided*, that nothing in this act shall be construed as prohibiting the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; *and provided further*, that whenever the national guard, or any part thereof is in active service, or is called into active service, no civic organization or member thereof shall parade or appear in uniform in the locality where said national guard is in service.

SEC. 2. This act shall take effect immediately.

CHAPTER 419.

An act to add a new section to the Political Code of the State of California to be known as section 2197a, relating to claims against counties for the expense of keeping insane prisoners.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California to be known as section 2197a, the same to read as follows:

Interest on
claims
against
county.

2197a. In every case where a claim is presented to the county for money due under the provisions of section 1373 of the Penal Code, interest shall be allowed from the date of rejection, if rejected and recovery be finally had thereon.

CHAPTER 420.

An act to amend sections 626, 626a, 626d, 626g, 626i, 626j, 627b and 637a of the Penal Code the State of California and to add to said Penal Code a new section to be numbered 637b, all relating to the protection and preservation of game and fish.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Protection
of game.

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

Duck.

626. Every person who, between the fifteenth day of February and the first day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession any

kind of wild duck; or who between the fifteenth day of February and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any valley quail, or partridge, or any rail, or any curlew, ibis, plover, or other shore birds (*Limicolæ*); or who, between the first day of April and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any Wilson snipe; or who, between the fifteenth day of February and the first day of September of any year, hunts, pursues, takes, kills, destroys, or has in his possession, any mountain quail; or who, at any time prior to the first day of September, one thousand nine hundred and nine, hunts, pursues, takes, kills, or destroys, or has in his possession, any grouse or sage hen, is guilty of a misdemeanor.

Quail.

Shore birds.

Wilson snipe.

Mountain quail.

Grouse.

SEC. 2. Section 626a of the Penal Code of the State of California is hereby amended to read as follows:

626a. Every person who, between the fifteenth day of October of any year and the fifteenth day of July of the following year, hunts, pursues, takes, kills or destroys, or has in his possession, any dove, is guilty of a misdemeanor.

Doves.

SEC. 3. Section 626d of the Penal Code of the State of California is hereby amended to read as follows:

626d. Every person who, during any one calendar day, takes, kills, or destroys, or has in his possession, more than twenty-five quail, partridge, doves, snipe, curlew, ibis, plover, rail, or any other shore birds (*Limicolæ*), or more than thirty-five wild ducks, is guilty of a misdemeanor.

Bag limit.

SEC. 4. Section 626g of the Penal Code of the State of California is hereby amended to read as follows:

626g. Every person who, between the first day of January and the first day of September of the same year, hunts, takes, kills, or destroys, or has in his possession, any species of tree squirrel, or who at any time buys, sells, offers for sale, or has in his possession for sale, any tree squirrel, is guilty of a misdemeanor, and every person who takes, kills, or destroys, or has in his possession, more than twelve tree squirrels during any one open season, is guilty of a misdemeanor.

Tree squirrel.

SEC. 5. Section 626j of the Penal Code of the State of California is hereby amended to read as follows:

626j. Every person who, owning, controlling or having in his possession, any dog or dogs, willfully suffers, permits or allows said dog or dogs to run, track or trail any deer at any time, except a wounded deer, during the season that deer may be lawfully killed, is guilty of a misdemeanor.

Tracking deer with dogs.

SEC. 6. Section 627b of the Penal Code of the State of California is hereby amended to read as follows:

627b. Every common carrier which receives for shipment or transportation from, or which ships or transports for, any one person during any one calendar day more than twenty-five quail, partridge, pheasant, grouse, sage hen, dove, rail, snipe, curlew, ibis, plover, or other shore birds (*Limicolæ*), or more than thirty-five wild ducks, or which ships or transports, or any person who offers for shipment or transportation, any of

Limit of shipment of certain game.

the said birds or any deer, or any deer meat, in any quantity, unless such birds or deer or deer meat are at all times in open view and labeled with the name and residence of the person by whom they are shipped, is guilty of a misdemeanor; *provided* that nothing in this section contained shall be construed to permit any person to have in his possession any game or fish contrary to the provisions of this chapter, nor to permit any common carrier to have in its possession more than the above specified number of said birds during any one calendar day, though lawfully received, except during the shipment or transportation thereof.

SEC. 7. Section 637a of the Penal Code of the State of California is hereby amended to read as follows:

Wild birds,
protection of.

637a. Every person who, in the State of California, shall at any time, hunt, shoot, shoot at, pursue, take, kill, or destroy, buy, sell, give away, or have in his possession, except upon a written permit from the board of fish commissioners of the State of California, for the purpose of propagation or for education or scientific purposes, any meadow lark, robin, or any wild bird, living or dead, or any part of any dead wild bird, or who shall rob the nest, or take, sell or offer for sale or destroy the eggs of any meadow lark, robin, or of any wild bird, is guilty of a misdemeanor; *provided* that nothing in this section shall prohibit the killing of a meadow lark, 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. The English sparrow, sharp-shinned hawk, Cooper's hawk, duck hawk, great horned owl, bluejay, butcher bird, house finch (known also as the California linnet), wild pigeon, all fish-eating birds, except sea-gulls and the blue and white crane or heron, and all birds otherwise protected by the provisions of this code, are not included among the birds protected by this section.

Excep-
tions.

Birds not
protected.

SEC. 8. A new section is hereby added to the Penal Code of the State of California to be numbered 637b to read as follows:

Applica-
tion of
prohi-
bition.

637b. The provisions of this chapter prohibiting any person from having in his possession any fish or game or parts thereof at any time, or during the seasons herein specified, shall, unless express provisions be made herein to the contrary, apply to all such fish or game or parts thereof, whether the said fish or game or the fish or game from which the parts were taken were caught or killed in the State of California, or the said fish or game or parts thereof were shipped into this state from any other state, territory or foreign country.

SEC. 9. Section 626i of the Penal Code of the State of California is hereby amended so as to read as follows:

Limit of
deer that
may be
killed.

626i. Every person who 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, territory, or foreign country, more than two deer during any one open season, is guilty of a misdemeanor.

SEC. 10. Section 626f of the Penal Code of the State of California is hereby amended to read as follows:

626f. Every person who, between the first day of October and the fifteenth day of July 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, territory, or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor.

Male deer.
Deer meat.

SEC. 11. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 12. This act shall take effect immediately.

CHAPTER 421.

An act providing for the extermination of the Boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who shall willfully or intentionally sell, offer for sale, or expose in such a manner as may infest other cattle or other live stock not so infested, any cattle having thereon or being infested with the Boophilus annulatus tick shall be guilty of a misdemeanor, *provided, however*, that the moving or handling of cattle when same are to be immediately slaughtered shall not be deemed to be a willful or intentional exposing of such cattle as referred to in this section.

Sale of infested cattle prohibited.

SEC. 2. Whenever upon examination of any cattle located in any county of the State of California the state veterinarian or his duly authorized deputy shall find such cattle or any portion of them to be infested with the Boophilus annulatus tick he shall forthwith notify in writing the owner or person in control of said cattle to dip or otherwise treat said cattle for the purpose of eradicating such tick. Such owner or person in control of such cattle shall, within the period of fifteen days after receiving such notice, dip or otherwise treat said cattle for the purpose of so eradicating such tick.

Duty of state veterinarian.

SEC. 3. If upon examining said cattle after the expiration of said period of fifteen days the said state veterinarian or his duly authorized deputy shall find that said cattle have not been so dipped or otherwise treated, such officer shall immediately inform the district attorney of the county in which such cattle may be located.

District attorney to be informed.

State veterinarian to take possession of cattle, when.

SEC. 4. If upon such second examination, the state veterinarian or his duly authorized deputy finds that said cattle have not been dipped or otherwise treated for the purpose of eradicating and destroying such ticks, said officer shall immediately take possession of said cattle and proceed to eradicate and destroy said tick by dipping or causing to be dipped or by otherwise treating said cattle.

Expenses of dipping.

SEC. 5. All the expenses and costs of so dipping and treating said cattle shall become and remain a lien on said cattle until such lien is paid or foreclosed as provided by law.

Action to foreclose lien for expenses.

SEC. 6. If such lien is not paid within fifteen days after the said expenses and costs are incurred, then the state veterinarian shall, in the name of the people of the State of California, commence an action to foreclose said lien. Such action shall be commenced, tried and determined in all respects as provided in the Code of Civil Procedure for the foreclosure of mortgages on personal property.

Several treatments may be ordered.

SEC. 7. If however, upon examination at the end of fifteen days from the date on which the owner or person in control and possession of said cattle is given the notice required by section two of this act, the state veterinarian or his duly authorized deputy shall find that said cattle have been dipped or otherwise treated for the extermination of such ticks but are still infested with the same then he shall instruct the owner or person in possession of said cattle to dip or otherwise treat said cattle one or more time as the circumstances may demand, and within such time as the state veterinarian or his duly authorized deputy shall deem advisable.

State veterinarian may repeatedly take possession.

SEC. 8. If upon examination at any time the said state veterinarian or his duly authorized deputy again finds that said cattle are again infested with said ticks or that the owner or person in control of said cattle has not continued to properly dip or otherwise treat said cattle for the purpose of destroying said ticks, then said state veterinarian or his duly authorized deputy shall take possession of said cattle one or more times as in this statute provided.

Owners jointly liable.

SEC. 9. In any action or proceeding, civil or criminal, arising under this act, any and all persons having an interest in the cattle or in control or possession of the same, and concerning which cattle such action or proceeding is had, shall be liable severally and jointly for each violation of the provisions of this act.

When cattle exempt from dipping.

SEC. 10. Whenever the state veterinarian or his duly authorized deputy is satisfied that any cattle are in process of fattening, and that such cattle will be ready for slaughter within a period of one hundred and twenty days, he shall exempt such cattle from dipping, as provided in this act.

SEC. 11. All acts or parts of acts in conflict with this act are hereby repealed.

CHAPTER 422.

An act to amend section 2 of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities. (Approved March 20, 1903.)"

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of an act entitled an act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities, and providing a penalty for the violation thereof, is hereby amended to read as follows:

Section 2. A license fee of one hundred dollars is hereby levied upon all such itinerant vendors doing business in this state. Said tax shall be paid to the state board of pharmacy, for the use and benefit of the State of California, and shall constitute a special fund for the enforcement of this act, and of the provisions of the act or acts creating such board of pharmacy. Upon the receipt of said sum from any persons desiring to conduct such business within this state, the secretary of said board of pharmacy shall issue a license to such person to carry on such business within this state for the term of six months next ensuing; *provided* that nothing in this act shall be construed to prevent the collection of any tax or license that may be imposed by any county or municipal authority; *and provided, further,* that nothing herein contained shall prevent manufacturing pharmaceutical firms from placing their products on the market through their agents and managers subject to the provisions of section three of this act. The said board of pharmacy may allow such license to be transferred during the life thereof on such terms as the board of pharmacy may deem proper; *provided however,* that nothing in this act shall be held to repeal or modify the provisions of an act approved March 20, 1905, "An act permitting all ex-Union soldiers and sailors of the civil war, honorably discharged from military or marine service of the United States, the right to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town or village, incorporated city or municipality in the State of California, without paying a license."

Itinerant
vendors
of drugs.

License
fee.

Term of
license.

Pharma-
ceutical
firms.

Ex-Union
soldiers.

CHAPTER 423.

An act to amend the title and sections 7, 9, 12, 13, 14, 15, 16 and 17 of an act entitled: "An act to regulate the practice of pharmacy in the State of California" (approved March 20, 1905) relating to the practice of pharmacy and providing a penalty for the violation thereof and for the appointment of a board to be known as the California state board of pharmacy.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The title of said act is hereby amended to read as follows:

Amend-
ment
to title.

An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy.

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

Quorum.

Section 7. Four members of the board shall constitute a quorum. They shall hold a meeting at least once in every four months.

Powers and duties of the board.

Powers
and duties
of board.

Subdivision 1. The state board of pharmacy shall have power:

(a) To make such by-laws and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) To regulate the practice of pharmacy.

(c) To regulate the sale of poisons.

(d) To regulate the quality of all pharmaceutical preparations and medicines dispensed or sold in this state, using the United States Pharmacopœia or national formulary as the standard.

(e) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines, and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopœia or national formulary.

(f) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores or places in which drugs, medicines and poisons are compounded, dispensed or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action.

(g) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such. All persons applying for registration, under this act, shall pay the following fees therefor to the secretary of the board of pharmacy: Every applicant for registration other than that of an apprentice, shall pay a fee of ten dollars on filing his or her application which shall be compensation to the board of pharmacy for investigation or examination of the applicant; and if the board finds that any applicant for registration on experience and credentials is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration; and any licentiate found by the board on examination to be entitled to a certificate shall pay the additional sum of five dollars upon issuance of certificate; all applicants for examination as assistant if found satisfactory by the board, shall be entitled to their certificate without further fee, *and provided further* that an applicant for registration on experience and credentials may at his or her option be examined as a licentiate without further fee for application.

(h) In the event any person having registered shall have lost his or her certificate or the same has been destroyed or if he or she desires renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; *provided, further*, that where the original certificate is not lost or destroyed, then the certificate shall be surrendered before a renewal of same shall be issued; *and provided, further*, that the board shall have power to require satisfactory evidence from the applicant of the loss or destruction of certificate; *and provided further*, that where the applicant is delinquent for the annual dues required by this act then he or she shall be required to pay to said board sufficient fees to cover his delinquency in that behalf before he or she shall be entitled to a re-issue of the certificate in this subdivision provided for.

Lost certificates,
renewal of.

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

Section 9. Every person holding a certificate from said board shall renew annually their registration with said board; and every registered pharmacist, and every assistant registered pharmacist who desires to retain his registration on the books of the board of pharmacy in this state shall annually, after the expiration of the first year's registration and on or before the first day of July of each succeeding year, pay to the secretary of the board of pharmacy a renewal fee, to be fixed by the board, which shall not exceed two dollars for registered pharmacist and one dollar for assistant registered pharmacist, in return for which fee a renewal certificate of registration shall be issued. In case any person defaults in payment of said fee his or her registration may be revoked by the board of pharmacy on sixty days' notice, in writing from the secretary, unless within said time the fee is paid, together with such penalty not exceeding ten dollars, as the board may impose.

Annual renewal fee.

Upon payment of said fee and penalty the board must reinstate the delinquent's registration. No person having received, or who may hereafter receive a certificate of registration as a pharmacist or assistant pharmacist, shall engage in business as pharmacist or assistant pharmacist, in any county of this state in which he or she shall locate, or into which he or she shall afterwards remove, until he or she shall have had such certificate recorded in the office of the county clerk of such county, and it is hereby made the duty of the county clerk to record such certificate in a book to be provided and kept for that purpose, and the county clerk is authorized to charge a fee of fifty cents for the recording of such certificate—to be paid by the person offering such certificate for record. Each pharmacist or assistant pharmacist holding a certificate of registration as a pharmacist, or assistant pharmacist, and being engaged in business as a pharmacist or assistant pharmacist, shall have such certificate recorded, as is in this section provided, within thirty days after the taking effect of this act. The record of the certificate required by this section, or a certified copy thereof, shall be evidence in all courts that the person holding it was registered as evidenced by said certificate on the date of the same. Any registered pharmacist or assistant registered pharmacist failing to comply with any of the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars. Upon the certificate being recorded as herein provided, it shall be the duty of the county clerk to notify the secretary of the board of pharmacy of the name of the party and the date of such record.

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

Section 12. Any person who shall attempt to secure, or secures registration for himself or any other person under this act by making or causing to be made any false representations, or who shall fraudulently represent himself to be registered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding fifty days, or by both such fine and imprisonment. Any person who shall permit the compounding of prescriptions of medical practitioners, or the selling of drugs and medicines, in his or her store or pharmacy, except under the direct, immediate and personal supervision of a registered pharmacist, or any person not registered who shall retail medicine, poisons or chemicals, except in a pharmacy under the direct, immediate and personal supervision of a registered pharmacist, or any person violating any of the provisions of this act, when no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment of not exceeding fifty days, or by both such fine and imprisonment. All fines recoverable under this act shall be paid by the magistrate

Certificate must be recorded in office of county clerk.

Time within which certificate must be recorded.

Penalty for violation.

Duty of county clerk.

Registration by false representation, punishment for.

Sale or compounding of drugs must be directed by registered pharmacist.

Disposition of fines.

receiving the same to the state board of pharmacy. Any person convicted of violating the provisions of this act the third time shall in addition to the penalties hereinbefore mentioned have his or her registration as a pharmacist canceled. Nothing in this act shall apply to or interfere with any practitioner of medicine who is duly registered as such by the state board of medical examiners of this state with supplying his own patients, as their physician, and by them employed as such, with such remedies as he may desire and who does not keep a pharmacy, open shop, or drug store, advertised or otherwise for the retailing of medicines or poisons, nor does this act apply to the exclusively wholesale business of any dealer. Nor does this act apply to registered, trademarked or copyrighted proprietary medicines, registered in the United States patent office nor to the sale of proprietary medicines, when manufactured under the supervision of a registered pharmacist in the State of California for which trademarks may have been filed with the Secretary of State of California, by merchants possessing a license issued by the board of pharmacy as described in section sixteen of this act.

Not to apply to practitioners of medicine.

Proprietary medicines.

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

Section 13. Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding of prescriptions, or the vending of drugs, medicines, or poisons, in his or her store or place of business, except by or in the presence and under the direct, immediate and personal supervision of a registered pharmacist, or any person, not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines, or poisons, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment for a term of not exceeding fifty days, or by both such fine and imprisonment.

Proprietor, not registered, must place in charge a registered pharmacist.

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

Section 14. Any member of the board of pharmacy or inspector duly authorized by said board may examine applicants orally or in writing, and issue a temporary certificate to practice pharmacy which shall authorize such practice for a period of four months only from its date. The issuance of such temporary certificate shall not entitle the holder thereof to a permanent certificate, and no permanent certificate shall be issued to such holder until he passes a satisfactory examination by the board. Only one temporary certificate shall ever be issued to the same applicant, and no temporary certificate shall be granted to any person whose application has been denied by the board. The member or authorized inspector conducting

Examination of applicants for temporary certificates.

such examination as herein set forth shall be entitled to charge and receive the sum of three dollars for such certificate, said moneys to be paid to the secretary of the board of pharmacy.

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

Appren-
tices.

Standard
of qualifi-
cations.

Section 15. It shall be the duty of all registered pharmacists who take into their employ an apprentice, whose purpose it is to become a pharmacist, to report to the board of pharmacy such facts regarding his schooling and preliminary qualifications as the board of pharmacy may require for the purpose of registration as an apprentice. The board of pharmacy shall adopt a standard of qualifications regarding schooling and preliminary qualifications for all persons desiring to be registered as apprentices, as provided for in this section. The pharmaceutical experience of every apprentice shall, after the passage of this act, be deemed to begin on the date on which he began the study of pharmacy, and such date shall be inserted in the certificate of registration of said apprentice, *provided* the preliminary qualifications have been found satisfactory by the board. Sworn testimony shall be furnished the board upon which they shall determine the date as aforesaid. The date so determined and entered as aforesaid shall be deemed to be the beginning of the applicant's pharmaceutical experience for the purpose of this act; *provided*, that the students matriculating and attending any reputable college of pharmacy shall be registered as apprentices upon such fact being shown. The board shall keep a register for the registration of apprentices and furnish upon application proper blanks for this purpose. No apprentice shall be permitted to sell drugs, medicines, or poisons, or compound prescriptions except under the direct, immediate and personal supervision of a registered pharmacist. No registered apprentice shall ever be left in charge of a pharmacy. No applicant for registration as an apprentice shall be registered as such if such applicant has had more than three years' experience in a pharmacy, but must apply for registration as assistant pharmacist.

SEC. 8. Section sixteen of said act is hereby amended to read as follows:

Dealers in
rural
districts,
permits to.

Section 16. The board of pharmacy may in its discretion issue a permit to general dealers in rural districts, in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than two miles distant from the store of a registered pharmacist; which said permit shall authorize the person or firm named therein to sell such ordinary drugs and ordinary household remedies and in such manner and form as the board may from time to time specify, in said locality, but not elsewhere, under such restrictions and regulations as said board may from time to time adopt. The board shall charge an annual fee of twelve dollars in advance, for such permit, and it shall be unlawful for any dealer to sell any

Fee.

drugs or ordinary household remedies without complying with the requirements of this section.

Whenever a registered pharmacist shall establish a pharmacy within two miles, by the shortest road, from the place of business of such general dealer, no further license shall be granted, and the license already issued shall be void; and the board of pharmacy shall refund to said general dealer the proper proportion of the unexpired license fee paid to the board of pharmacy.

SEC. 9. Section seventeen of said act is hereby amended to read as follows:

Section 17. It shall be the duty of the board of pharmacy, by resolution, at least annually to request of the chief of police, marshal or constable of every city, town or township in this state, to furnish a list of all drug stores, together with the names of the owners, managers, and all employés in said stores, and a brief statement of the capacity in which said persons are employed in said stores, and also the firm name of all stores retailing drugs, medicines or poisons. Upon such request in writing, it shall be the duty of the chief of police, marshal, or constable of said city, town or township to require the patrolmen or deputies under their command, upon their respective beats, to obtain such lists as are in this section specified, and deliver the same to the board of pharmacy. It shall be the duty of the owner or manager of any drug store or other store retailing drugs, medicines or poisons, when called upon by an officer as above set forth, or by a member of the board of pharmacy, or a duly authorized inspector, to furnish said officer, member of the board of pharmacy or duly authorized inspector with the information required. Any person refusing to furnish the information, or willfully furnishing information that is false or untrue shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment for not less than ten days and not more than thirty-five days, or by both such fine and imprisonment.

Marshals and police to furnish list of drug stores to state board.

Duty of owners of stores.

SEC. 11. This act shall take effect sixty days from the date of its approval.

CHAPTER 424.

An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners of wharves, piers, seawall, state railroad, spurs and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Bonds for harbor improvements, state treasurer to prepare.

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs and appurtenances in the city and county of San Francisco, at a cost not to exceed two million dollars (which said wharves, piers, seawall, state railroad, spurs and appurtenances the board of state harbor commissioners are hereby empowered to construct in the manner authorized by law, and at a cost not to exceed said two million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare two thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of two million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of nineteen years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. nineteen hundred and nine, and shall be made payable on the second day of January, nineteen hundred and twenty-eight A. D. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of January, A. D. nineteen hundred and ten, on so many of said bonds as may have been theretofore sold. At the expiration of nineteen years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the second San Francisco seawall sinking fund provided for in this act, and, he shall on the first Monday of January, nineteen hundred and twenty-

Amount of issue, interest rate.

When bonds payable.

When interest shall cease.

eight, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and eighteen.

Redemption clause.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser.

Interest coupons.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Appropriation for preparation of bonds.

SEC. 4. 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 said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners; 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; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "Second San Francisco Seawall Fund" and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs and appurtenances thereto on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund.

Shall be sold at public auction.

Publication of notice of sale.

"Second San Francisco Seawall Fund" created.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Second San Francisco Seawall Sinking Fund" shall be, and the

Sinking fund.

same is hereby created, as follows, to wit: The state treasurer shall, on the first day of each and every month after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the second San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and crange to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and eighteen and between the first and tenth day of November of each year thereafter until the maturity of said bonds the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and eighteen, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the

Employment of moneys in sinking fund.

Provision for payment of interest.

Drawing of bonds by lot for redemption.

amount in said sinking fund, and proceed in the manner herein above stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Surplus in sinking fund, disposition of.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney-general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Controller and treasurer to report to governor.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

Interest payments.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, A. D. nineteen hundred and eight, 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.

When act to take effect.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, A. D. nineteen hundred and eight, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Francisco Seawall Act," and in a separate line under the same words "Against the San Francisco Seawall Act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against the said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Seawall Act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Seawall Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Shall be submitted to people for ratification.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same

Return and canvass of vote.

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 irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Act to be published in each county of state.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and eight, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Name of act.

SEC. 12. This act may be known and cited as the "Second San Francisco Seawall Act."

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 425.

An act authorizing the board of Sutter's Fort trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Gardener for Sutter's Fort.
Salary.

SECTION 1. The board of Sutter's Fort trustees are hereby authorized and empowered to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort.

SEC. 2. The gardener provided for in section one of this act shall receive an annual salary of ten hundred and eighty (1080) dollars, to be paid at the same time and in the same manner as other state officers.

SEC. 3. This act shall take effect immediately.

CHAPTER 426.

An act to provide for the acquisition, equipment and use of a railway car for the purpose of distributing live fish and stocking the waters of this state with fish, and making an appropriation therefor.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of fish commissioners is hereby authorized and empowered to acquire, equip, maintain and use a railway car for the distribution and planting of live fish and the stocking of the waters of this state therewith. Car for distribution of fish.

SEC. 2. The sum of seven thousand five hundred dollars, or so much thereof as may be required, is hereby appropriated out of any funds in the state treasury not otherwise appropriated, to be disbursed in the same manner as other moneys of the state are lawfully disbursed. Appropriation.

SEC. 3. This act shall be in force immediately.

CHAPTER 427.

An act to amend section 16 of an act entitled, "An act to amend an act entitled, 'An act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence.' Approved February 26, 1903. Approved March 22, 1905."

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 16 of an act entitled, "An act to amend an act entitled, 'An act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the

Dependent and delinquent children.

separation of children from adults when confined in jails or other institutions, providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence,' approved February 26, 1903, approved March 22, 1905,' is hereby amended to read as follows:

Detention
of delin-
quent
child.

Section 16. In the case of a child alleged to be delinquent within the meaning of this act, and brought before the superior court at any time before the child is found delinquent and a commitment thereunder issues, it may be detained under order of the court in any detention home provided for that purpose by any county or city and county; or it may be otherwise provided for as the court sees fit in any manner provided herein for the care of a child after the finding of its delinquency. If the court find the child to be delinquent, said court may continue the hearing from time to time, and may at any time commit the child to the care or custody of the probation officer, and may allow such child to remain in the home of such child, subject to the visitation of a probation officer, and such child shall report to the probation officer as often as may be required, and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or the court may commit the child to the care or custody of the probation officer, to be placed in a suitable family home, subject to the supervision of such probation officer and the further order of the court, or it may authorize the probation officer to board out the child in some suitable family home, or the court may commit the child for such time during its minority, as the court may deem fit, to the care and custody of some association, society or corporation that will receive it, embracing within its objects the care of dependent or delinquent children; or the court may commit such child to a state reform school, as is now, or may hereafter be provided by law in accordance with the procedure provided by law for such commitment. *Provided further* that should the legislative body of the county, or city and county, or of a municipality, provide a suitable place for the detention of said dependent and delinquent children, which they are hereby authorized to do, such children may be committed thereto after the adjudication of dependency or delinquency for a definite period to be specified in such order. The court may thereafter set aside, change or modify such order and may provide for a further detention in said place. Any order providing for the custody of a dependent or delinquent child may provide that all the expense of maintenance of said child, or part thereof shall be paid by the parent or parents, or guardian, of said child, and in such case shall determine the amount so to be paid, and shall determine whether or not the parent or parents shall exercise any control over said child and the extent thereof, and any disobedience of such order or interference with the custody of the child as therein determined by a parent or guardian having notice of the pro-

May be
committed
to care of
probation
officer.

Expense of
main-
tenance
of child.

ceedings or of the order shall constitute a contempt of court. If it be found, however, that the parent or parents or guardian of a dependent or delinquent child are unable to pay the whole expense of maintenance of such child, the court may, in the order providing for the custody of such child, direct such additional amount as may be necessary to support such child to be paid from the county treasury of the county for the support of such child, the amount so ordered to be paid from the treasury of said county not to exceed, in case of any one child, the sum of eleven dollars per month; *provided, further*, that no order for the payment of all or part of the expense of support and maintenance of a dependent or delinquent child from the county treasury shall be effective for more than six months, unless a new order is secured at the expiration of that period. The court may, thereafter, set aside, change or modify any order herein provided for.

CHAPTER 428.

An act to amend section one of an act entitled "An act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the governor in the months of April, May, and June, 1906," approved June 14, 1906.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California, and the University Cadets, called into service by order of the governor in the months of April, May, and June, 1906," is hereby amended so as to read as follows:

Section 1. The sum of three hundred ninety-five thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California called into service by order of the governor in the months of April, May, and June, 1906. All of said claims for all of said expenses shall be audited by the adjutant general before said claims are paid.

SEC. 2. This act shall take effect immediately.

CHAPTER 429.

An act to amend section one thousand four hundred and sixteen of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Diligence
in appro-
priating
water.

1416. Within sixty days after the notice is posted, the claimant must commence the excavation or construction of the works in which he intends to divert the water, or the survey, road or trail building, necessarily incident thereto, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted by snows or rain; *provided*, that if the erection of a dam has been recommended by the California debris commission at or near the place where it is intended to divert the water, the claimant shall have sixty days after the completion of such dam in which to commence the excavation or construction of the works in which he intends to divert the water; *and provided further*, that if it shall be necessary, by proceedings in eminent domain, to acquire water rights held by adverse riparian owners or to acquire sites for dams or power plants at the point of intended diversion or the point of intended use, as described in the notice of appropriation of said water, or if there shall be conflicting claims to the waters so appropriated, then the party so appropriating, or his assigns, shall have sixty days after the determination of legal proceedings by final judgment in which to commence to excavate or construct the works in which he intends to divert the water as provided in this section; *and provided further*, that if suits for such purpose are not already pending at the date of the passage of this act, they shall be commenced within sixty days after this act takes effect, and as to future appropriations of water, within sixty days after notice of such appropriation is posted as required by law, and such proceedings shall be prosecuted diligently to final judgment; but nothing in this act shall be construed to revive or renew appropriations of water heretofore made which have been abandoned and lost, as against subsequent claimants who have complied with this act

When
legal pro-
ceedings
delay
work, time
extended
for
diversion.

When suits
must be
com-
menced.

CHAPTER 430.

An act to authorize and enable the board of managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of managers of the California Home for the Care and Training of Feeble-Minded Children, as successors of the trustees of the California Home for the Care and Training of Feeble-Minded Children, are hereby authorized and enabled and empowered to dispose of any real property heretofore conveyed to the trustees of the California Home for the Care and Training of Feeble-Minded Children, situated in the county of Los Angeles, and to give a good and sufficient deed of grant, bargain and sale therefor, conveying an absolute and perfect title thereto, and to receive the proceeds of such sale and dispose of the same in the manner provided in the instrument by which said lands were originally conveyed to the said trustees.

Home for Feeble-Minded Children, managers to convey certain realty.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 431.

An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin extending the area of India basin on the water front of the city and county of San Francisco, as provided in an act entitled "An act to authorize and direct the board of state harbor commissioners to institute con-

Provision for fund for extending area of India basin.

demnation proceedings against certain property north of India basin and extending to Islais creek in the city and county of San Francisco, and extending their jurisdiction over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled, "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of nineteen years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. nineteen hundred and nine, and shall be made payable on the second day of January, nineteen hundred and twenty-eight A. D. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of January, A. D. nineteen hundred and ten, on so many of said bonds as may have been theretofore sold. At the expiration of nineteen years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the India basin sinking fund provided for in this act, and he shall on the first Monday of January, nineteen hundred and twenty-eight, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and eighteen.

State treasurer to prepare bonds.

Rate of interest.

When payable.

When interest shall cease.

Redemption clause.

Interest coupons.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecu-

tively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Appropriation for preparation of bonds.

SEC. 4. 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 said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners; 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; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "India Basin Fund" and must be used exclusively for the acquisition area described in the act referred to in section 1 hereof. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund.

Shall be sold at public auction.

Publication of notice of sale.

"India Basin Fund" created.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "India Basin Sinking Fund" shall be, and the same is hereby created as follows, to wit: The state treasurer shall, on the first day of each and every month after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time the bonds then sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the India basin sinking fund created by this act. Said state treasurer shall, on controller's warrants duly

Sinking fund, how created.

Employment of moneys in sinking fund.

Provision for payment of interest.

Collection of dockage.

Redemption of bonds by lot.

Surplus in sinking fund, disposition of.

drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said "India Basin Sinking Fund" an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and crantage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and eighteen and between the first and tenth day of November of each year thereafter until the maturity of said bonds the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds shall be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and eighteen, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof

in the manner hereinbefore provided for, the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney-general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Controller and treasurer to report to governor.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

Interest payments.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, A. D. nineteen hundred and eight, 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.

When act to take effect.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, A. D. nineteen hundred and eight, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the India Basin Act," and in a separate line under the same words "Against the India Basin Act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against the said act, and those voting for said act, shall do so by placing a cross opposite words "For the India Basin Act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the India Basin Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Act to be submitted to the people.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a

Return and canvass of votes.

majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Name of act.

SEC. 11. This act may be known and cited as the "India Basin Act."

SEC. 12. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 432.

An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin and extending to Islais creek in the city and county of San Francisco, and extending their jurisdiction over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this act to a vote of the people."

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Harbor facilities of San Francisco, proceedings to acquire additional area.

SECTION 1. For the purpose of acquiring additional areas for the construction of docks, wharves and slips, and increasing the harbor facilities on the waterfront of the city and county of San Francisco, the board of state harbor commissioners is hereby authorized and directed to institute condemnation proceedings in the superior court of the city and county of San Francisco, against all parties in interest claiming any title in and to all that certain tract of land in the city and county of San Francisco, State of California, particularly described as follows:

Tract proposed to be condemned.

Commencing at the intersection of the waterfront line of September 12, 1877, with the southerly line of Islais street and extending southeasterly along the said waterfront line to its intersection with the northerly side of India street; thence westerly along said northerly side of India street, to its intersection with the southwesterly line of First avenue south; thence northwesterly along said southwesterly side of First avenue south to its intersection with the south side of Islais street; thence easterly along said south line of Islais street to

the point of beginning, and containing all the blocks and parts of blocks, streets, etc., within the above described boundaries.

SEC. 2. The jurisdiction of said board shall be, and is hereby extended so as to include the parcel of land described in section 1 of this act.

Jurisdiction of board extended.

SEC. 3. The board of state harbor commissioners shall institute any action or actions and prosecute the same to final judgment for the condemnation of all portions of the premises described in section 1 of this act, and the purposes herein mentioned are hereby declared to be a public use in which the right of eminent domain shall be exercised by the board of state harbor commissioners for and in the name of the people of the state for the estates and rights in and in the manner provided in part 3, title 7, of the Code of Civil Procedure, provided that any judgment under this act or that certain act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this act to a vote of the people" shall be paid for from the proceeds of bonds issued and sold under the provisions of said last mentioned act.

Judgments under this act, how paid.

SEC. 4. This act shall take effect from and after the ratification by the people of the State of California of that certain act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners of a necessary area, for a tidal basin for wharves, piers, harbors and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people."

When act to take effect.

CHAPTER 433.

An act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the state board of fish commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Protection
of wild
game,
owner of
land may
transfer
right of to
state.

SECTION 1. Any person, firm or corporation, owning and in possession of patented lands in the State of California, embracing an area of not less than one hundred and sixty acres, may transfer, by an instrument in writing duly acknowledged before an officer authorized under the laws of this state to take acknowledgments, to the State of California, the right to preserve and protect all wild game on the land described therein for a period of not less than one year nor more than five years. Such instrument shall be filed with the state board of fish commissioners; whereupon such board shall declare the lands described in such instrument a state game preserve, and thereafter for the period named therein, shall for all purposes relating to the preservation and protection of wild game be under the control of said board. Such preserve shall be numbered in the order of the filing of the instrument of transfer thereof. A copy of the declaration establishing the same shall, under the seal of said board, be issued to such person, firm or corporation, transferring the right therefor. During the period named in such instrument it shall be unlawful for any person to hunt, pursue, shoot, take, kill or destroy any wild game within the exterior boundaries thereof. The state board of fish commissioners shall cause to be prepared suitable notices to be posted under its direction on each state game preserve and such notice shall describe the lands constituting the same, and shall contain a warning to all persons to refrain for the period named therein from violations of the provisions of this act.

State game
preserve.

Close
season.

Control of
state game
preserves.

SEC. 2. All state game preserves established under the provisions of this act shall for all purposes of preservation and protection of wild game thereon, be under the control and management of the state board of fish commissioners, and the said board, its officers and employes, and all game wardens, may at all times enter in and upon such preserves, in the performance of their duties. The said board may establish such regulations as may, in its judgment, be necessary for the preservation and protection of the wild game on such preserves, and for that purpose may direct and authorize game

wardens or other officers to execute such regulations. All expenses incurred in carrying out the provisions of this act and the regulations that may be established thereunder, shall be a charge against and paid out of the "game preservation fund" established under an act entitled "An act to regulate and license the hunting of game birds and animals and to provide revenue therefrom, for game preservation and restoration and to make appropriations for the purpose of carrying out the objects of this act."

SEC. 3. The hunting, pursuing, shooting, taking, killing or Penalty. destroying of any wild game within the exterior boundaries of any state game preserve established under the provisions of this act, is hereby declared a misdemeanor, and all fines collected in any prosecution therefor shall be paid into said "game preservation fund."

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 434.

An act to repeal Article XIV of Chapter III of Title I of Part III of the Political Code, relating to sealers of weights and measures.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Article XIV of Chapter III of Title I of Part Repealed. III of the Political Code and every section in said article contained are hereby repealed.

CHAPTER 435.

An act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter Ib, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new chapter is hereby added to Title V of Part III of the Political Code, to be known as Chapter Ib, and to read as follows:

CHAPTER 16.

THE INDUSTRIAL HOME OF THE ADULT BLIND.

Section 2207.	Objects.
2207a.	Who entitled to admission.
2207b.	The board of directors.
2207c.	Powers of directors.
2207d.	Duties of directors.
2207e.	The president.
2207f.	The superintendent.
2207g.	The physician.
2207h.	Bonds.
2207i.	Payment of salaries and expenses.
2207j.	Delivery of moneys.
2207k.	Resolutions of election and dismissal.

Industrial
Home of
the Adult
Blind,
objects.

2207. The objects of the Industrial Home of the Adult Blind are: First, the instruction of such blind admitted thereto in some trade or trades, to enable them to contribute to their own support; and second, the furnishing of a working home for the adult blind, who, after learning a trade or trades, desire to remain at the home as workmen; but all who so remain must pay to the state, through the board of directors, the cost of their maintenance at the home. The rate of wages to be paid these workmen, as well as the amounts which they must pay for their maintenance, must be fixed by the board.

Who
entitled to
admission.

2207a. Every person who has been a resident of the state for three years prior to his application for admission is, if of suitable age, character, and qualifications, entitled to the benefit of instruction in such home free of charge, though he is not of such physical strength as to be able to work every day. Aged and enfeebled blind persons may be received and maintained in the home at the discretion of the directors, free of cost, or at a nominal charge, if such admission and maintenance do not conflict with the interests of the home. The board may also admit blind persons from other states, but such admission must be under such conditions as will not entail cost on this state, and must not be allowed if it will exclude qualified blind residents of the state.

Control.

2207b. The industrial home is under the control of a board of directors, consisting of five members, appointed by the governor. They receive no compensation for their services.

Powers of
board of
directors.

2207c. The board of directors has power:

1. To make by-laws for its government and the government and direction of the home, and prescribe conditions for the admission of applicants thereto, and the admission pursuant to such conditions, having regard to an equitable representation from each county of the state;

2. To designate the trades which must be regularly taught in the institution;

3. To elect a general superintendent and all subordinate officers and employés, and to determine the number thereof when not fixed by this chapter;

4. To elect a physician, not a member of the board, whose salary must not exceed twelve hundred dollars per annum;

5. To elect a secretary, whose salary must not exceed six hundred dollars per annum, who must give bond in the sum of five thousand dollars;

Powers
of board of
directors.

6. To prescribe in particular the duties of the superintendent, physician, and secretary;

7. To purchase, from time to time, such materials as may be suitable for the requirements of the manufacturing and other departments of the home, to audit the bills therefor, and forward them to the state board of examiners;

8. To fix the market price of all wares manufactured in the home, and of all wares manufactured elsewhere by non-resident beneficiaries, and to provide for and regulate the sale of all such manufactured wares;

9. To fix the compensation of common laborers and of all other employés in the home, whose wages are not herein established;

10. To grade and fix the price of skilled and unskilled labor and the amount of work required in the various departments to constitute a day's labor, and to permit the inmates to work at piece work;

11. To authorize work to be let out to blind people, so that such beneficiaries as in their judgment may require it, may receive it at their residence, and for such piece work to pay liberal prices, so as to yield, as near as possible, the compensation of resident laborers; but in no case, to incur any indebtedness for labor contracts with the beneficiaries, resident or otherwise, when there is not sufficient money on hand to pay the same;

12. To take, receive, manage, and invest all moneys or property hereafter bequeathed or donated to said home, in accordance with the wishes of the testator or donor; or if no conditions are attached to the bequests or donations, then to invest such moneys or proceeds of property for the best interests of the home. If any donation or bequest is trammelled with any religious conditions of a sectarian character, or conditioned in any manner antagonistic to the provisions of this chapter, or in conflict with any necessary rule or regulation of the home, the board may refuse to accept such donation or bequest, and is hereby authorized to reject the same. Donations or bequests may be received by the state treasurer, or by the president of the board of directors; but no donation or bequest accompanied by any condition must be received until it has been ordered approved and received by the board, and notice thereof given by the secretary to the state controller. Any bequest or donation received or collected by the president of the board must be immediately paid over by him to the state treasurer, and at the same time the president must forward to the state controller a statement thereabout, verified by his oath. All moneys received by the state treasurer must be placed to the credit of the "Fund of the Industrial Home of Adult Blind." The investment of funds by the board can be made only in the same manner as the approval of claims, subject likewise to the action of the state board of examiners thereon.

Duties of
board.

2207d. The duties of such board are:

1. To make inquiry into the department of labor and expense, the condition of the home and its prosperity, and to employ all reasonable means to make the same self-supporting;

2. To hold stated meetings at the home at least once in every month;

3. To keep at the home a record of their proceedings, which must be accessible to the public during the hours of nine A. M. to four P. M., excepting on legal holidays;

4. To report annually, in the month of December, to the governor a statement of receipts and expenditures, the condition of the home, the number of inmates, and the number of beneficiaries doing work at their own residences, and such other matters touching the management of the home as they may deem proper. The annual report must be verified by the oath of the president of the board of directors. The superintendent of state printing is authorized to print annually two thousand copies of such report, which copies the board must circulate in the manner appearing to them to be in the best interests of the home;

5. To provide dormitories for males and females in separate departments;

6. To contract for provisions, fuel, and all other supplies needed for any period of time not exceeding one year; and such contracts must be limited to bona fide dealers in the several classes of articles contracted for. Such contract must be given to the lowest responsible bidder, at a public letting thereof, if the price bid is fair and not greater than the usual market prices. Each bid must be accompanied by such security as the board requires. Notice of the time, place, and letting of each contract must be given for at least two consecutive weeks in a daily paper published in the city of San Francisco, and in one newspaper published in the city or town where the home is located. If all the bids at any letting are deemed by the board unreasonably high, it may decline to contract, and may again advertise for proposals, and so continue to renew the advertisement until satisfactory contracts are made; and in the meantime the board may contract with any person whose contract is just and equitable, but no contract thus made must extend beyond sixty days. No bid must be accepted when it is higher than any other bid, made at the same letting, for the same class or schedule of articles. When two or more bids are equal in amount, the board may divide the contract between the bidders;

7. To designate the number of employes, prescribe their duties, and fix their compensation, and to approve or disapprove the appointments made by the superintendent.

The presi-
dent, and
his duties.

2207e. The board of directors must elect one of their number president. As such he is ex-officio a member of each standing committee, and must appoint all committees unless otherwise ordered by the board. He must make careful and diligent inquiry into the management of the home, and report the result thereof at each meeting of the board, with such

recommendations as he may wish to make concerning such management.

2207f. The superintendent is the chief executive officer of the home. He must be a man of good education and of good moral character and business experience. His salary is twenty-one hundred dollars per annum. He must execute an official bond in the sum of five thousand dollars. His powers and duties are as follows:

The super-
intendent.

Salary.

Powers
and duties.

1. To superintend the grounds, buildings, workshops, manufacturing departments, and property of the home;

2. To certify to the board of directors the number of instructors and employés needed in the manufacturing departments, and to recommend to the board the appointment of suitable persons for these positions;

3. To dismiss any domestic, servant, or person employed at the home—other than an instructor or employé in the manufacturing department—whenever in his judgment the good of the home demands it;

4. To prescribe and enforce the duties of all instructors, employés, domestics, servants, and laborers employed at the home;

5. To admit inmates only upon the certificate of the attending physician, or by order of the board, as hereinafter provided; to control the inmates, and to prescribe and enforce a system of instruction and labor;

6. To suspend any employé or instructor pending a recommendation to the board for his permanent dismissal, and to appoint substitutes during the absence of any or all employés;

7. Pending a recommendation to the board for his final dismissal, to suspend the privileges of, and to remove from the premises, any inmate whose presence appears to be in conflict with the interests of the home. Should any inmate so suspended or removed be in destitute condition, the superintendent must, upon his demand, furnish him with suitable lodgings and board elsewhere, until the decision of the board is made thereon. The bill therefor must be presented to the board for payment, in the same manner as other claims;

8. To reside at the home;

9. To keep a daily record of his official acts in the manner prescribed by the board, and to present the same to the board at each monthly meeting, verified by his oath, in accordance with the blanks furnished by the board for that purpose, and to make in the monthly reports such recommendations as he may deem proper. The monthly report must contain a statement of all stock, goods, and supplies of any nature received at the home during the month;

10. To turn over to the board, at the close of each month, together with the balance sheet, all moneys derived by him from the sale of manufactured goods, and all revenues derived by him from any source whatsoever in behalf of and for the benefit of the home, and to take the secretary's receipt therefor;

11. To make up and present to the board, in the month of July of each year, his annual accounts and statement of the

affairs of the home, verified by his oath. The annual statement must be an epitome of the monthly reports, and must contain the number and names of all inmates, officers, and employés, and their respective dates of admission or beginning of employment, and the respective dates of dismissals made during the year. It must contain a full review of all receipts and expenditures, and an invoice of all goods and stock and supplies on hand. It must contain, also, the average weekly cost of board per capita of all persons residing at the home, without considering the labor credits, and the average annual cost of instruction per capita. It must show clearly the relation of the gross products to the gross cost, and the percentage lacking in order to become self-supporting. For the making up of such statement, the superintendent shall have full access to the secretary's and other books of the home, and such statement must be independent of each and all of the other annual reports;

12. To make requisitions on the board of directors for articles and goods needed at the home, and to order the same as directed by the board. It may, by resolution spread upon its minutes, authorize the superintendent, in case of emergency, to make purchase of material and supplies for the home without such previous requisition. He must, in addition, perform such further services as may be required of him by the board.

The physi-
cian, and
his duties.

2207g. The physician must examine at his office, at a stated hour daily, and at the home, at a stated hour upon the days of his visits, all applicants for admission, as to their blindness. If the applicant appears to be a proper subject for admission to the benefits of the home, the physician must forthwith deliver to him his certificate of admission, directed to the board and to the superintendent of the home. Upon presentation of the certificate the superintendent must admit the applicant as a beneficiary. Any applicant rejected by the attending physician has the right of appeal to the board. The physician must present to the board, monthly, a statement of the sanitary condition of the home, and must therein specify the days and dates of his visits, and the age and nativity of each person to whom he has issued, during the month, a certificate of admission, together with the cause or causes of blindness, physical condition, and also as to whether any such inmates would be benefited by medical treatment, as well as any other matters which the board may deem proper to require of him. The monthly statements must be made upon blanks furnished by the board for that purpose. He must present to the board, in the month of July, his annual report, which must be an epitome of his monthly reports, and in which he must specify, with particularity, all sickness at the home during the year; and such observations and recommendations may be therein made as seem to him pertinent to the sanitary welfare of the home. The attending physician must, in no instance, permanently treat any inmate for blindness, or any optical affection, without permission in each case first being given by the board, at

Annual
report.

request of the person so afflicted. The attending physician must visit the home once every day.

2207h. The official bonds in this chapter required must be approved by the board of directors, and filed and recorded in the office of the secretary of state. The approval of the bond must be by indorsement thereon by the president, and reference thereon made by the secretary, to such action of the board.

Official
bonds.

2207i. The salaries of the superintendent, secretary, and physician, and all other expense accounts, including the wages of workmen at trades, and of employés, must be paid monthly out of the moneys appropriated by the legislature for the support of the home, or from accumulations from the industries of the home, or from donations and bequests to the home, made without restraining conditions, whenever resort to such donations or bequests is necessary. All such claims, excepting salaries of said officers, must be first approved by the board of directors, and must be so indorsed by the secretary and attested by the president, and must immediately thereafter be forwarded to the secretary of the state board of examiners. When the claims have been approved by that board, the controller must issue his warrant therefor, directed to the state treasurer, in favor of the board of directors. The state treasurer is authorized to pay such warrant only when indorsed by the secretary, and attested by the president of the board. No claim for wages of employés, or of workmen at trades, must be audited by the board of directors until after it receives from the foreman his monthly time certificate, duly verified by his oath, and stating the amount of labor performed by the employé or workman.

Payment
of salaries
and
expenses.

2207j. Every officer and employé of the home, and any other person acquiring possession, by any means whatever, of moneys belonging to the home, must, at the close of each month, deliver the same to the board of directors, accompanied by a statement thereof, verified by his oath, taking the secretary's receipt therefor. The board of directors must, at least once in every month, forward to the state treasurer all moneys in their charge belonging to the home. 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 "Fund of the Industrial Home of Adult Blind."

Delivery of
moneys.

Disposi-
tion of
moneys.

2207k. Immediately upon the election or dismissal of any officer, whose salary is fixed by the provisions of this chapter, the board must cause the secretary to forward to the controller of state a certified copy of the resolution of such election or dismissal, which the controller must file in his office.

Notice to
controller
of election
or dis-
missal of
officer.

CHAPTER 436.

An act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IVa, relating to the state commission of horticulture, prescribing the powers, duties and compensation of the state commissioner of horticulture and providing methods, means and penalties for the enforcement of such powers and duties.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

State commissioner of horticulture.

SECTION 1. A new chapter is hereby added to Title V of Part III of the Political Code, to be known as Chapter IVa, and to read as follows:

CHAPTER IVa.

STATE COMMISSION OF HORTICULTURE.

Section 2319. Commissioner, secretary and deputy commissioner.

2319a. Commissioner, duties of.

2319b. Quarantine regulations.

2319c. Infectious diseases

2319d. Reports to county boards of horticulture.

2319e. United States officials, cooperation with.

2319f. County boards of horticulture.

2319g. Printing of reports.

2319h. Reports to governor.

2319i. Misdemeanors.

2319j. Expenses, how paid.

Commissioner.

2319. The state commissioner of horticulture of California shall be a citizen and resident of this state, and the term of his office shall be for four years, and until a successor is appointed and qualified. The governor may remove such commissioner from office at any time upon filing with the secretary of state a certificate of removal signed by the governor. In case of a vacancy in said office by death, resignation, removal from office, or other cause, the governor shall fill the vacancy for the unexpired term. The salary of said commissioner shall be two hundred and fifty dollars per month, and he shall be allowed in addition a sum not to exceed five hundred dollars yearly for traveling and incidental expenses necessary in the discharge of his duties. Such commissioner may appoint a secretary, who shall be versed in horticulture and entomology, and who shall be an experienced compiler of reports, bulletins and such publications as may issue from said commission from time to time, and who shall perform all such duties as may be required of him by such commissioner. Such secretary shall receive a salary of twenty-one hundred dollars per annum. In appointing such commissioner and his successor or successors, it shall be the duty of the governor to disregard political affiliations, and to be guarded in his selection entirely by the professional and moral qualifications of the person so

Salary.

Secretary.

Salary.

Political affiliations to be disregarded.

selected for the performance of the duties of said office. The office of said commissioner shall be kept open every day except holidays, and shall be in charge of the secretary during the absence of such commissioner. The main office of such commissioner shall be at the city of Sacramento. The secretary of state shall furnish and set aside in the capitol a room or rooms suitable for offices for said commissioner, and if the secretary of state shall make and file an affidavit with the said commissioner stating that it is not possible for him, as such secretary of state, to provide and set aside an office for said commissioner in the capitol or in any state building under his control, because there is no such office room or rooms available, then, and after the making and delivery of such affidavit to such commissioner, the said commissioner may rent rooms convenient and suitable for his offices at a rental not to exceed five hundred dollars per year. Said commissioner may also keep and maintain an office in the city and county of San Francisco at a yearly rental not to exceed the sum of five hundred dollars, and may appoint a deputy commissioner who shall be an expert entomologist and horticulturist, to have charge of said office under said commissioner, and to perform any and all duties which said commissioner may require of him under this chapter, and shall fix the monthly compensation of such deputy at two hundred dollars per month. Such deputy shall hold this position during the pleasure of such commissioner, and may be removed from his office or position at any time by said commissioner's filing with the secretary of state a certificate signed by said commissioner so removing such deputy. Said commissioner may also appoint, by and with the approval of the governor, such temporary deputies from time to time as may be required for quarantine purposes under this chapter, and such temporary deputies shall receive such compensation per diem as may be specified in the writing so approving such appointment.

Main
office.Deputy
commis-
sioner.

Salary.

Tempo-
rary
deputies.

2319a. Said commissioner shall collect books, pamphlets and periodicals and other documents containing information relating to horticulture, and shall preserve the same; collect statistics and other information showing the actual condition and progress of horticulture in this state and elsewhere; correspond with horticultural societies, colleges and schools, and with county boards of horticulture existing or that may exist in this state, and with all other persons necessary to secure the best results to horticulture in this state. He shall require reports from county boards of horticulture in this state, and may print the same or any part thereof as he may select, either in the form of bulletins or in his annual report, or both, as he shall deem proper. He shall issue and cause to be printed and distributed to county boards of horticulture in this state, and to all other persons whom he may deem proper, bulletins or statements containing all the information best adapted to promote the interest and protect the business and development of horticulture in this state. Such commissioner shall be deemed to be the state horticultural quarantine officer mentioned in

Duties of
com-
missioner.Issue
bulletins.

chapter seventy-six of the laws of eighteen hundred and ninety-nine for the purposes of that act, and shall be empowered to perform the duties which under that act are to be performed by the state horticultural quarantine officer; *provided*, that any inspection therein authorized, when made by such commissioner, must be with the approval of the governor, and as provided by this chapter.

Quarantine regulations.

2319b. Said commissioner may, by and with the approval of the governor, establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the nurseries, trees, shrubs, plants, vines, cuttings, grafts, cions, buds, fruit-pits, fruit, vegetables, or other articles of horticulture, against contagion or infection by injurious disease, insects or pests, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce, with the approval of the governor, any and all such rules and regulations as may be deemed necessary to prevent any infected stock, tree, shrub, plant, vine, cutting, graft, cion, bud, fruit-pit, fruit, vegetable, or other article of horticulture, from passing over any quarantine line established and proclaimed pursuant to this chapter, and all such articles shall, during the maintenance of such quarantine, be inspected by such commissioner or by a deputy appointed in writing by said commissioner with the approval of the governor, and he or the deputy so conducting such inspection shall not permit any such article to pass over such a quarantine line during such quarantine, except upon a certificate of inspection signed by such commissioner or in his name by such a deputy who has made such inspection, unless such article has been immediately prior to such passage inspected by an officer or agent of the United States entitled to inspect the same, and such officer or agent has granted permission for such passage. All approvals by the governor given or made pursuant to this chapter shall be in writing and signed by the governor in duplicate and one copy thereof shall be filed in the office of the secretary of state and the other in the office of said commissioner before such approval shall take effect.

Infectious diseases.

2319c. Upon information received by such commissioner of the existence of any infectious disease, insect or pest, dangerous to any such article, or to the interests of horticulture within this state, or that there is a probability of the introduction of any such infectious disease, insect or pest into this state or across the boundaries thereof, he shall proceed to thoroughly investigate the same, and may, by and with the approval of the governor, establish, maintain and enforce quarantine as in this chapter provided, with such regulations as may be necessary to circumscribe and exterminate or eradicate such infectious diseases, insects or pests, and prevent the extension thereof, and is hereby authorized to enter upon any grounds or premises, and inspect any stock, tree, shrub, plant, vine, cutting, graft, cion, bud, fruit-pit, fruit, vegetable or other article of horticulture or implement thereof, or box or package pertaining thereto, or connected therewith or that has been

Quarantine.

used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business, all acts and things necessary to carry out the provisions of this chapter.

2319d. Upon the discovery of any such infectious disease, insects, or pests, such commissioner shall immediately report the same to all county boards of horticulture, together with a statement as to the best known means or method for circumscribing, exterminating or eradicating the same, and shall state therein specifically what treatment or method should be applied in each case, as the matter may require, with a detailed statement or prescription as to the method of making or procuring, and of applying any preparation or treatment so recommended therefor, and the times and duration for such treatment, and if chemicals or articles be required other than those usually obtainable at any town, the place or places where they are most readily to be obtained; and upon the receipt of such statement by any county board of horticulture or any member thereof, it shall be the duty of such county board of horticulture to distribute such statement in printed form to every person owning or having charge or possession of any orchard, nursery, stock, tree, shrub, or article of horticulture within their county, where it is supposed by said county board there is any danger to the interests of horticulture, and such a statement must be served with or be a part of the notice to be given to the owner or owners or person or persons, in possession of any orchard, nursery, tree, shrub, or article of horticulture, referred to, provided for, and required to be served in and by section two of chapter one hundred and eighty-three of the laws of eighteen hundred and ninety-seven, or any amendments which have been or may be made thereto.

Reports to county boards of horticulture

Duty of county boards.

2319e. Whenever it shall become necessary, to establish quarantine under this act, if there be any authorities or officers of the United States having authority to act in such matter, or any part thereof, the said state commissioner of horticulture shall notify such authority or officers of the United States and cooperate as far as possible with such authorities or officers of the United States wheresoever the jurisdiction of the United States extends and is being exercised, and shall obtain, whenever desirable and possible, the assent of the proper authority or officers of the United States to the establishment or change of quarantine lines, so as most effectively and speedily to accomplish the purposes of this chapter. The said commissioner shall at once notify the governor of all quarantine lines established under or pursuant to this act, and if the governor approve or shall have approved of the same or any portion thereof, the governor shall issue his proclamation proclaiming the boundaries of such quarantine, and the nature thereof, and the orders, rules or regulations prescribed for the maintenance and enforcement of the same, and shall publish such proclamations in such manner as he may deem expedient to give proper notice thereof.

Coöperate with United States officials.

County boards of horticulture, powers.

2319f. The said state commissioner shall be ex officio a member of all county boards of horticulture existing or that may be created or exist in this state pursuant to law, whenever he is present and acting with said county board within the county where such county board exists, but when he is not so present in such a county, acting with such county board, then the said county board shall have all the power and authority conferred on it by law and may exercise such power by the action of the members of such county board or a majority thereof. The reports which county boards of horticulture are required by law to make, or which they may desire to make, shall be made to the state commissioner of horticulture.

Printing of reports.

2319g. It shall be the duty of the superintendent of state printing to print and deliver to the state commissioner of horticulture, upon the written request of said commissioner, all such bulletins, orders, rules, regulations, statements, reports and other printed matter, as the said commissioner may deem necessary to have and use for carrying out the purposes of this chapter, and it shall be the duty of the secretary of state to cause to be prepared and furnished to such state commissioner all stationery, paper, blank forms, envelopes, and writing material needful and convenient for use in the office of such commissioner.

Stationery.

Annual reports.

2319h. It shall be the duty of said state commissioner to report in the month of January in each even-numbered year to the governor, and in each odd-numbered year to the legislature of this state, such matters as he may deem expedient or as may be required either by the governor or legislature, and to include a statement of all the persons employed, and of moneys expended under the provisions of this chapter, by itemized statement thereof.

Misdemeanors.

2319i. Any person willfully refusing to comply with orders lawfully made under and pursuant to this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars.

Expenses, how paid.

2319j. All moneys paid under the provisions of this chapter shall be paid by the state treasurer from moneys appropriated for the support of the state commissioner of horticulture, and expenses other than the salary of the commissioner, the compensation of his secretary and deputy commissioner as allowed and provided by this chapter, must be certified by the said commissioner and be approved by the state board of examiners before being audited or paid.

CHAPTER 437.

An act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IVb, relating to the promotion of the horticultural interests of the state by providing for county boards of horticulture.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new chapter is hereby added to Title V of Part III of the Political Code, to be known as Chapter IVb, and to read as follows: County boards of horticulture.

CHAPTER IVb.

COUNTY BOARDS OF HORTICULTURE.

- Section 2322. Appointment of members of boards.
 2322a. Inspection of places infested by fruit pests, and proceedings, to abate nuisances created thereby.
 2322b. Local districts and inspectors. Quarantine guardians.
 2322c. Reports of boards.
 2322d. Salaries and expenses.
 2322e. Records of boards.

2322. Whenever a petition is presented to the board of supervisors of any county, and signed by twenty-five or more persons, each of whom is a resident freeholder and possessor of an orchard, stating that certain or all orchards, or nurseries, or trees or plants of any variety are infested with any serious infectious diseases, or scale insects of any kind injurious to fruit, fruit-trees, vines, or other plants or vegetables, or that there is growing therein the Russian thistle or saltwort, (*Salsoli kali*, variety *tragus*), or other noxious weeds, codlin moth, or other insects that are destructive to trees, and praying that a commission be appointed by them, whose duty it shall be to supervise the destruction of said scale insects, diseases or Russian thistle or saltwort, or other noxious weeds as herein provided, the board of supervisors shall, within twenty days thereafter, appoint a board of horticultural commissioners, consisting of three members, who shall be qualified for the duties of horticultural commissioner. Upon the petition of twenty-five resident freeholders and possessors of an orchard, the board of supervisors may remove any of said commissioners for cause, after a hearing of the petition. Appointment of board, how.
Removal of members of.

2322a. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any premises, orchards or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit-packing house, storeroom, salesroom, or any other place or articles in their jurisdiction, and if found infested with infectious diseases, scale insects, or codlin moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with Duty of board.

Notice to owners to destroy pests.

their eggs, or larvæ, or if there is found growing thereon the Russian thistle or saltwort, or other noxious weeds, they shall notify the owner or owners, or person or persons in charge, or in possession of the said places or orchards or nurseries, or trees, or plants, vegetables, vines, or fruit, or article as aforesaid, that the same are infested with said diseases, insects, or other pests, or any of them, or their eggs or larvæ, or that the Russian thistle or saltwort or other noxious weeds is growing thereon, and they shall require such person or persons, to eradicate or destroy the said insects, or other pests, or their eggs or larvæ, or Russian thistle or saltwort, or other noxious weeds within a certain time to be specified.

Service of notice.

Said notices may be served upon the person or persons, or either of them, owning or having charge, or having possession of such infested place or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, or premises where the Russian thistle or saltwort or other noxious weeds shall be growing, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested, or premises where the Russian thistle or saltwort or other noxious weeds shall be growing, are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within their jurisdiction, or on the property of any non-resident, or on any property the owner or owners of which cannot be found by the county board of horticultural commissioners, after diligent search, within the county, or on the property of any owner or owners, upon which the notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the county board of horticultural commissioners to cause said nuisance to be at once abated, by eradicating or destroying said diseases, insects, or other pests, or their eggs, or larvæ, or Russian thistle or saltwort or other noxious weeds. The expense thereof shall be a county charge,

What declared public nuisance.

Expense of abating how paid.

and the board of supervisors shall allow and pay the same out of the general fund of the county. Any and all sum or sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated in pursuance of this chapter. A notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property and premises are situated, within thirty days after the right to the said lien has accrued. An action to foreclose such lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the

owner of the property, if he be known, and if not, into the court for his use when ascertained. The county board of horticulture commissioners is hereby vested with the power to cause any and all such nuisances to be at once abated in a summary manner.

2322b. Said county boards of horticultural commissioners have power to divide the county into districts, and to appoint a local inspector, to hold office at the pleasure of the commissioners, for each of said districts. The state board of horticulture may issue commissions as quarantine guardians to the members of said county board of horticultural commissioners and to the local inspectors thereof. The said quarantine guardians, local inspectors, or members of said county boards of horticultural commissioners, have full authority to enter into any orchard, nursery, place or places where trees or plants are kept and offered for sale or otherwise, or any house, storeroom, salesroom, depot, or any other such place in their jurisdiction, to inspect the same, or any part thereof.

Inspection districts.

Quarantine guardians.

2322c. It is the duty of said county board of horticultural commissioners to keep a record of its official doings, and to make a report to the state board of horticulture, on or before the first day of October of each year, of the condition of the fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting, and as to quarantine against insect pests and diseases, and as to carrying out all laws relative to the greatest good of the fruit interest. Such board may publish such reports in bulletin form, or may incorporate so much of the same in its annual reports as may be of general interest.

Record of official doings.

2322d. The salary of all inspectors working under the county board of horticultural commissioners is two dollars and fifty cents per day. In the case of the commissioners themselves, their compensation is four dollars per day, when actually engaged in the performance of their duties, and itemized necessary traveling expenses incurred in the discharge of their regular duties as prescribed in this chapter.

Salaries and expenses.

2322e. It is the duty of the county board of horticultural commissioners to keep a record of its official doings, and make a monthly report to the board of supervisors; and the board of supervisors may withhold warrants for salaries of said members and inspectors thereof until such time as such report is made.

Report to supervisors.

CHAPTER 438.

An act to add a new section to the Code of Civil Procedure, to be known as section 280b, relating to graduates of the University of Southern California College of Law being admitted to practice without examination.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section to be known as section 280b is hereby added to the Code of Civil Procedure, to read as follows:

Effect
of diploma
issued by
University
of
Southern
California
Law
College.

280b. The diploma of the students of the University of Southern California College of Law shall entitle the students to whom it is issued to a license to practice in all the courts of this state, without undergoing the examination required by section 276 of this code.

CHAPTER 439.

An act to add a new section to the Political Code of the State of California, to be designated section 2181a, relating to unclaimed money and property of patients at state hospitals.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California to be known as section 2181a, to read as follows:

Disposi-
tion of
unclaimed
moneys of
patients.

2181a. Whenever any money or personal property belonging to any patient at a state hospital remains uncalled for or unclaimed by the person or persons entitled thereto or the possession thereof, for a period of at least three years after the death of such patient or his escape or departure on parole, the board of managers may by resolution order such money paid into the contingent fund of the hospital, or such property sold and the proceeds thereof into such fund.

Record of
pro-
ceedings.

A careful record of any proceedings under this section shall be kept, and if within five years any person shall establish to the satisfaction of the board of managers, a right to any such money or property such sum may be appropriated from the contingent fund and paid to the person entitled to such money or property as will equal the amount originally paid into such fund without interest. After such period of five years no action shall be commenced or maintained to recover money or the value of the property herein referred to.

CHAPTER 440.

An act to amend section 2146 of the Political Code of the State of California relating to the acquisition and tenure of property by state hospitals.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2146 of the Political Code of the State of California is hereby amended to read as follows:

2146. Each of the corporations mentioned in the preceding section may acquire and hold in its corporate name by gift, grant, devise or bequest property to be applied to the maintenance of the inmates of the hospital and for the general use of the corporation. All lands necessary for the use of state hospitals must be acquired by condemnation as lands for other public uses are acquired, except those acquired by gift, devise or purchase, and the terms of every purchase must be approved by the commission. No public street or road for railway or other purposes, except for hospital use, must be opened through the lands of any state hospital, unless the legislature by special enactment consents thereto.

Property of
the state
hospitals.

CHAPTER 441.

An act to amend section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of state hospitals.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

2144. The authorities for the several hospitals must furnish to the commission the facts mentioned in subdivision seven of section twenty-one hundred and forty-two and such other obtainable facts, as the commission may from time to time in the discharge of its duties require of them, with the opinion of the superintendent thereon, if requested. The superintendent or other person in charge of a hospital, must, within ten days after the admission of any person thereto, cause a copy of the medical certificate and order on which such person was received and a list of all property and books, and papers of

Informa-
tion to be
furnished
to lunacy
commis-
sion.

value found in the possession of or belonging to such persons to be forwarded to the office of the commission, and when a patient or inmate is discharged, transferred or dies, such superintendent or person in charge, must, within three days thereafter, send the information to the office of the commission, in accordance with the form prescribed by it.

CHAPTER 442.

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; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Road
district
improve-
ment,
powers of
board
of super-
visors.

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 grade or re-grade to the official grade, plank or re-plank, pave or re-pave, macadamize or re-macadamize, gravel or re-gravel, pile or re-pile, cap or re-cap, oil or re-oil the whole or any portion of roads, streets, avenues, boulevards, lanes or alleys so far as not within the territory of any incorporated city or town, and so far as by dedication or otherwise, public and open to public use, and to do so for any length or width of the same, one of the same or any number of the same in combination, and to construct therein or thereon sidewalks, sewers, manholes, culverts, bridges, cesspools, gutters, tunnels, curbing and crosswalks, and to do the aforesaid things singly or in any combination of the same, and the various items of the said work and constructions need not be coterminous; and to issue bonds representing the costs and expenses of any said work or constructions 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 constitute a special 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, as incidental to the exercise of the powers aforesaid, to establish official grades within said district and such districts; and to

May issue
bonds.

Special
taxes.

transfer from county road funds to such special funds as in this act hereafter provided.

But said board of supervisors are hereby prohibited from doing, under the provisions of this act, any work (except sewer work) within the right of way for 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.

Pro-
hibited
work.

SEC. 2. Before passing any resolution of intention under this act, specifications for work substantially the same as that described in the resolution of intention and for a district substantially the same as that described in the resolution of intention shall be furnished by some competent person who shall have been designated by the board of supervisors for that purpose by a resolution to be entered by the clerk upon the minutes of said board, and, except where there is already an official grade thereof, as a part of such specifications, grades shall be specified for all roads, streets, avenues, boulevards, lanes and alleys within the described district so far as the same are within such district.

Specifica-
tions to be
furnished.

Neither the work nor the district need be described in the resolution appointing such person except so far as may be sufficient to identify the work and district for which the specifications are prepared, and for such purpose it shall suffice to designate the same as "In the Matter of Road District Improvement No. — and Resolution of Intention No. '—'" (inserting the same number in both blanks).

How reso-
lution of
intention
shall
be desig-
nated.

Such specifications shall include an estimate of the aggregate amount of the cost of the work inclusive of incidental expenses and of the procedure. Such specifications shall be signed by the person designated to furnish them and be filed with the clerk of the board of supervisors.

SEC. 3. Before ordering any work to be done under this act, the board of supervisors shall pass a resolution of intention so to do. Such resolution may, in form, and shall, in substance, be (filling all blanks) as indicated following, to wit:

Resolution
of inten-
tion
to order
work,
form of.

In the Matter of Road District Improvement No. — Resolution of Intention No. — (the same number for both blanks).

Resolved: That it is the intention of the Board of Supervisors of the county of ———, State of California, proceeding under and by virtue of the Road District Improvement Act of 1907, and in the Matter of Road Improvement District No. —, on the — day of ———, 190—, at the hour of — m. of that day or as soon thereafter as the matter can be heard, at the chambers of said board, to order work to be done, as follows: (Here insert a description of the work, stating the territorial extent thereof with all reasonable exactness,

and in other particulars generally, yet so as to indicate fairly and approximately its probable cost), the said work to be done in accordance with the specifications therefor filed with the clerk of said board on the — day of —, 190—, except as the boundaries of the district and grades therein specified may be changed at the hearing of the matter herein-after mentioned, which specifications are made part hereof, and to which all persons are referred for further particulars as to said work. For the costs and expenses of the work and the proceeding bonds will be issued to the amount of the same, bearing interest at the rate of — per cent per annum, payable semi-annually, and one — part of the principal annually, all in gold coin.

A special fund for the payment of said bonds is to be constituted partly by transfer of moneys from county road funds and partly by the levy of special assessment taxes upon all land within a district to be known as "Road Improvement District No. — of the County of —."

Such district (as proposed) being all that territory in the county of —, State of California, within exterior boundaries as follows, to wit: — (the blank to be filled with a careful statement of the exterior boundaries of the district).

Notice is hereby given that at the time specified hereinbefore for ordering the work, the Matter of said Road District Improvement No. — will come up for hearing, and all objections, which are, under the provisions of said Road District Improvement Act of 1907, entitled to be heard or determined, will then be heard and determined, and the boundaries of said district and grades therein be finally determined and established.

The —, (here insert name and character of newspaper) is hereby designated as the newspaper for making publication of this resolution and for making all other publications in the proceeding.

—, a competent person, is hereby appointed superintendent of work with compensation at the rate of — dollars per diem for days actually spent in performance of duty under this appointment.

The foregoing resolution was, on the — day of —, 190—, passed by the board of supervisors of the county of —, State of California.

Attest. _____

Clerk of the Board of Supervisors
of said county of _____.

By _____

(Adding if the fact so be)

Deputy Clerk.

The principal and interest of the bonds representing the cost of work done under the provisions of this act, shall be payable in gold coin of the United States of America, and the board of supervisors is authorized to determine the time, not to exceed twenty years, in which bonds issued to represent the cost of the work shall be paid, and to determine the rate,

Bonds,
time of to
run, and
rate of
interest.

not to exceed seven per cent per annum of the interest to be paid thereon, which interest shall be payable semi-annually, and to make such bonds in all respects as indicated by the form therefor, in this act hereafter provided.

SEC. 4. Such resolution of intention shall be filed, and be published by at least two insertions in the newspaper therein designated, which shall be a newspaper published and circulated in the county, or, if there be no such newspaper, then in any newspaper designated by said board of supervisors in such resolution. Printed copies of such resolution, headed "Notice of Road District Improvement," such heading to be in letters not less than one inch in length, shall be, by the superintendent of work, posted along the line of the work described in said resolution, at not more than one hundred feet in distance apart, but not less than three in all.

Publica-
tion of
resolution.

Copies to
be posted.

Affidavits in proof of such publication and posting shall be filed with the clerk of the board of supervisors. When, before the day of the hearing specified in the resolution of intention, twenty days have elapsed since the posting and the first publication (they need not be simultaneous) of the resolution of intention, the board of supervisors shall have acquired power to proceed with such hearing and to take all other action in the proceeding as is in this act authorized.

When
board ac-
quires
power to
proceed.

The determination of the board of supervisors to proceed with such hearing, whether evidenced by an express declaration or by its proceedings to make other determinations at such hearing shall be presumptive evidence, at the least, of the existence of all the facts upon which the power of the board to proceed depends, except such as are required to appear of the record in the proceeding, and except, also, in so far as such presumption is rebutted by the record in the proceeding.

Evidence
of facts.

SEC. 5. At any time before the day in the resolution of intention specified for ordering the work and the hearing of the matter, any owner of land within the boundaries of the district as set forth in said resolution, may, severally or with other such owners, file with the clerk of the board of supervisors written objection to the ordering of the work, as an entirety and not merely to some part thereof, as described in the resolution of intention.

Objections
to work.

If upon said hearing it appears that a majority of the owners of land within the district, as set forth in the resolution of intention, have so in writing made objection going to the entirety of the work described in the resolution of intention and to the ordering of the same, the board of supervisors shall, by a resolution, be entered in its minutes, so find; and thereupon such board shall have no power to proceed further under said resolution of intention, or to pass any resolution of intention for doing the same work, during a period of one year, next after the time of such finding; and the accrued costs of the proceedings shall be a charge upon the county. But if the fact be that a majority of the owners of land lying within the district, as set forth in said resolution of intention, have

not so in writing made objection going to the ordering of the work, as an entirety, the board of supervisors shall so find, and thereupon proceed with the hearing; but such finding need not then be in writing and may, for the purpose of proceeding with the hearing, be a mere announcement of the board, to be noted in the minutes by the clerk.

Findings of board to be of record.

At the conclusion of the hearing, however, the said finding shall, severally or with other determinations of the board, be made in writing to be filed and entered upon the minutes of the board.

Owners of land defined.

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 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.

Hearing of objections.

Next after in order of hearing, the board shall proceed to hear such objections as may be made to the grades specified in the specifications.

Thereafter, in the order of the hearing shall be heard such objections as shall be made to the boundaries of the district as set forth in the resolution of intention. Objection to the grades or to the boundaries of the district may be made by an owner of land lying within the district upon the hearing without any written statement of the same.

The hearing may be continued from time to time by the board of supervisors by an order to be entered in the minutes of the board.

Declaration of board to order work.

SEC. 6. Unless the power to proceed shall have ceased, as hereinbefore provided, the board of supervisors shall in conclusion of the aforementioned hearing, and as a sufficient determination of all questions arising thereat, by resolution or resolutions to be entered upon its minutes, declare its finding that a majority of the owners of land within the district, described in the resolution of intention have not before the day of the hearing filed written objection, going to the ordering of the work to be done, and determining the boundaries of the district, and the grades thereon. If no changes be made in the boundaries of the district as the same are set forth in the resolution of intention, it shall be sufficient to state that the boundaries of the district are those set forth in the resolution of intention, but if any change of such boundaries is made, the boundaries of the district, as finally determined, shall be fully set forth.

Boundaries of district.

If no change be made as to the grades, as set forth in the specifications on file, it shall be sufficient to state that the grades of the same, as finally determined, are those set forth in such specifications. In either case, the boundaries of the district so determined shall be the boundaries of the district for all purposes of the proceeding and until any bonds to be issued for the cost of the work shall have been fully paid and

discharged; and the grades so determined shall be the grades of the district for all the purposes of the proceeding and the "official grade" within the meaning of section 1 of this act; *provided, however*, that 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 that resolution, nor so that the place or locality of any work described in such resolution of intention shall be excluded from the boundaries of the district as so finally determined.

In like manner the board of supervisors may order the work to be done, and if it so do, shall fix a time for receiving proposals or bids for doing the work, and direct the clerk to give notice accordingly, inviting sealed proposals or bids. Such notice shall include a statement that the work is to be done "under the provisions of the Road District Improvement Act of 1907, and according to the specifications on file therefor, except in so far as the grades specified therein shall have been fixed otherwise by the board of supervisors in conclusion of the hearing in said act provided; to which said act, to the resolution of intention and all proceedings had thereunder the attention of bidders is hereby directed, and by this reference made part of this notice."

Notice for proposals for doing work.

SEC. 7. The notice inviting sealed proposals or bids shall be published by at least two insertions in the newspaper designated in the resolution of intention, and (not necessarily simultaneously) a copy or copies of the same be posted and kept posted for five days, at or near the chamber door of the board of supervisors. All proposals or bids shall be accompanied by a check, payable to the order of the presiding officer of the board of supervisors, certified by a responsible bank for an amount not less than ten per cent of the aggregate of the proposal or bid, or by a bond for said amount running to the presiding officer of the board of supervisors, signed by the bidder, with two sureties qualifying each in said amount over and above all statutory exemptions before an officer competent to administer an oath.

Publication of notice.

Said proposals or bids shall be delivered to the clerk of said board, and said board shall, in open session, examine and declare the same, but no proposal or bid shall be considered unless accompanied by said check of such bond in terms satisfactory to the board. The board may reject any and all proposals or bids should it deem this for the public good, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work to the lowest responsible bidder at the price named in his bid.

Consideration of bids.

A notice of such award, attested by the clerk of the board of supervisors shall be published and posted for five days in the same manner as hereinbefore provided with respect to the notice inviting proposals or bids.

Notice of award to be published.

The check or bonds accompanying such accepted proposals or bids shall be kept by the clerk of said board until the con-

Bonds accompanying bids.

tract for doing said work, as hereinafter provided, has been entered into. If said bidder fails, neglects or refuses to enter into the contract for said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned shall be declared forfeited to the county, and may be collected by it and paid into its road fund, and any bond forfeited may be prosecuted, and the amount thereof collected and paid into said fund.

Successful bidder to pay for advertising

Before being entitled to a contract the bidder to whom the award thereof has been made must advance and pay to the clerk of the board of supervisors, for payment by him the costs and expenses of publishing and posting resolutions, notices and orders required, under this act to be made, which have been made, given, posted or published in the proceeding.

When bidder fails to enter into contract, procedure.

SEC. 8. If for fifteen days after being awarded the contract, the bidder to whom the contract was awarded fails, neglects or refuses to enter into the contract, the board of supervisors may direct the clerk of the board to give notice as in the first instance, inviting sealed proposals or bids, and thereupon shall by bidding, award, and other proceedings as in the first instance; and as in the case of the default of a first awardee, so, also, in that of a second.

Terms of contract.

SEC. 9. The presiding officer of the board of supervisors is hereby authorized, in the name of the county 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, and shall, by the terms of said contract, fix the time for the beginning of the work, which shall not be more than twenty days from the date thereof, and the contract shall provide that the work be prosecuted with diligence until completed, and a time for such completion shall be in the contract fixed, but such time of completion may be extended from time to time by the board of supervisors, in its discretion, and by resolution, which shall be entered by the clerk in the minutes of said board, a copy of which shall be by said clerk endorsed upon or annexed to the contract.

Bond of contractor.

Before entering upon such contract, a bond shall be executed and filed, running to the county, in an amount not less than one half of the contract price of the work, signed by the contractor and two or more sureties, who shall aggregately, unless surety companies, qualify before an officer entitled to administer the oath in a sum equal to the amount of the bond, each surety in the amount for which he becomes surety. Such bond shall be conditioned for the faithful execution of the contract by the party contracting to do the work, and the payment by him for all labor and materials furnished for or in the doing of the work. The form and sufficiency of said bond shall be passed upon by some member of the board of supervisors, and such bond shall inure as well to the benefit of any and all persons furnishing labor or materials for the work as to the county.

Said contract shall undertake on behalf of the county that the board of supervisors will, upon the fulfillment and per-

formance of the contract on the part of the contractor, and under the provisions of the "Road District Improvement Act of 1907," take all steps, in or by said act authorized to be taken, to effect the issuing by the county treasurer of the bonds in said act authorized to be issued, and provide a fund for the payment of the same, as in or by said act prescribed; and it shall be in such contract stated that in no case shall the county be liable under the contract, nor any officer thereof be thereunder holden except for the discharge of official duty under the law.

What county must undertake.

SEC. 10. As soon as may be done in good faith, there shall be filed with the clerk of the board of supervisors a declaration that the work has been completed according to the contract, together with an itemized statement of all the incidental costs and expenses of the work and the proceeding inclusive of the estimated cost of publishing the notice of final hearing hereinafter mentioned.

When work is completed declaration to be filed.

The aggregate of such items shall be stated, and, also, the amount due as of the contract price; and also the gross sum for a bond issue representing the entire amount thereof, as claimed by the contractor. The said declaration and statements 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 or item to which he does not assent.

The presiding officer of the board of supervisors is hereby authorized to fix a time and give a notice for a hearing for the purpose of determining whether the work shall be accepted as being completed according to the contract, and for determining the aggregate amounts for which bonds shall be issued representing the total cost of the work, and the amount of the incidental costs and expenses of the work, and the proceedings which is to be charged to and paid by the contractor.

Notice of hearing whether work shall be accepted.

Such hearing shall be known as the final hearing. The notice of such hearing may, in form, and shall, in substance be (filling the blanks) as follows:

Notice of Final Hearing
In the Matter of Road District
Improvement No. _____

Form of notice.

Notice is hereby given that a final hearing of the above named matter will be had at the hour of _____ M. on the _____ day of _____ 190—, at the chamber of the board of supervisors of the county of _____, State of California, for the purpose of determining whether the work done under the contract made with _____ under Resolution of Intention No. _____ in Road Improvement District No. _____ of the county of _____ shall be accepted as being performed according to the contract, and for determining the aggregate amount for which bonds shall issue representing the cost of such work, inclusive of the incidental costs and expenses of the work and the proceeding, of which a statement has been filed with the

clerk of said board of supervisors of the county of _____,
to which statement the attention of all persons interested is
hereby directed.

_____ of the Board of Supervisors
of the county of _____
Attest: _____
Clerk of said Board of Supervisors.
By _____ Deputy Clerk.

(If so the fact be.)

Publica-
tion
of notice.

Such notice shall be signed by the presiding officer of the board of supervisors and attested by the clerk of the board of supervisors and published by at least two insertions in the newspaper designated in the resolution of intention, and a copy or copies thereof posted and kept posted for two days at or near the chamber door of the board of supervisors, the first day of such publication and that of such posting (they need not be simultaneous) to be not less than five days before the day in said notice specified for the hearing.

Hearing
may be
con-
tinued.

Proof of such publication shall be made by affidavit or affidavits, and the same shall be filed. If a quorum be not present at the time in the notice specified for the hearing, a member or members of the board then present may continue the hearing from day to day, and at all stages thereof the hearing may, by resolution, to be entered in the minutes, be continued from time to time.

Objection
to ac-
ceptance.

At any time before the day in said notice specified for the hearing, any owner of property not exempt from taxation within the district, as finally established, may solely or with any other such owner or owners, file written objection to the acceptance of the work on the ground that the work has not been completed or done according to the contract, specifying in ordinary language the particulars in which the contract has not been so completed or done.

Any person interested in the proceeding, as of the interest of the contractor, shall be presumed to take issue with such objection, and be heard accordingly.

Questions going to the incidental costs or expenses of the work or the proceedings may be raised orally by any owner of property not exempt from taxation, situated within the district.

Evidence.

Evidence may be adduced going to any of the matters to be determined, and in such order as the board may summarily direct.

Continued
hearing.

If, when the matter has been fully heard, whether under or in the absence of objections, the board of supervisors is of the opinion that the work has not been completed or done according to the contract, 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 day,

expressly stating that such continuance is for the purpose of enabling the contractor to complete his contract.

On said continued hearing the objections filed before the day of the first hearing shall continue in force as against the work, and evidence be received, if offered, as to what has been done by way of completing the contract in the particulars specified in the order of the board on the said continuance of the hearing.

If, upon such continued hearing, it is the opinion of the board that the work is still uncompleted in the particulars as to which it was ordered to be completed, it shall be discretionary with said board to order or refuse a second continuance of the hearing. If the board 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 of any other or further continuance.

Objections to any item of incidental costs and expenses, 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 shall continue or revive such powers of the board of supervisors had, under the provisions of this act, in the proceeding, at the time of the filing of the contractor's declaration that the work was completed, as provided aforesaid, and 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 performance of such contract as if completed at the time of filing such declaration or statement.

SEC. 11. Whenever upon the hearing in section 10 aforesaid provided, whether at the first or any continued hearing, it shall be the opinion of the board of supervisors that the work has been completed and done according to the contract, said board shall by a resolution, to be entered upon its minutes, so declare, and that the work is accepted, and stating the aggregate amount for which bonds shall be issued, and stating the amount of the incidental costs and expenses of the work and the proceeding which are charged against and to be paid by the contractor.

Resolution
of ac-
ceptance.

SEC. 12. The clerk of the board of supervisors shall transmit to the county treasurer of the county, an attested copy of the final order mentioned in section 11 of this act, and upon receipt of the same, the county treasurer shall proceed to issue bonds to the amount in the aggregate of their principal as the same is stated in the attested copy of said final order. A bond may be issued in any amount, *provided* that the aggregate of the bond or bonds made payable in any one year is the one proper part of the whole principal of the bond issue, as specified in such attested copy of said final

County
treasurer
to issue
bonds.

order, and so that the interest thereon be made payable on the second days of January and July. The said bonds may, in form, and shall, in substance, be as indicated following, to wit:

Form of bond.

Road District Improvement Bond

Road District Improvement No. _____
County of _____, State of California.

\$ _____ No. _____

Under and by virtue of the Road District Improvement Act of 1907, an act of the legislature of the State of California, (here may be inserted any further designation desired) the county of _____, State of California, will, out of the fund hereinafter designated, at the office of the treasurer of said county, on the _____ day of _____ 190—, pay to the bearer, 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 as hereinafter specified.

This bond is payable out of Road District Improvement Fund No. _____ exclusively, as the same appears on the books of the treasurer of said county, and neither said county nor any officer thereof is holden for its payment otherwise.

The interest is payable semi-annually, to wit: on the second days of January and July in each year hereafter, upon presentation of the coupons therefor, the first of which coupons is, however, for the interest from date to the next following second day.

The principal hereof may be paid at any time, upon notice of such redemption having been published by the treasurer of said county, once in some newspaper of general circulation, published in said county, and interest on all unpaid principal sums covered by such notice shall cease one month after such publication.

At said county of _____, the _____ day of _____ in the year one thousand nine hundred and _____

Insert title of presiding officer of the board of supervisors.

Treasurer of the (name of county)

Said bonds shall be signed by the presiding officer of the board of supervisors and the treasurer of the county, and so signed shall be binding according to the term thereof as prescribed in said form. The interest coupon shall be in form as said treasurer may devise, subject to the provisions of this act, and the determinations made by the board of supervisors, and their signatures by him shall be sufficient. Said bonds shall be delivered by said treasurer to said contractor or to his order, assignee or lawful representative.

Interest coupon.

The board of supervisors is hereby vested with power to determine the number of years, not to exceed twenty, within which the aggregate principal of bonds to be issued under

this act shall be paid and discharged, and to fix the rate of interest, not to exceed seven per cent per annum, 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 issue for the work in any terms that will fairly indicate such time and such rate and the fractional part of the principal to be paid each year; which part shall be the same for each of the years covered by the bond issue.

Number of years bonds to run, board to determine.

The interest payments on said bonds shall be payable semi-annually on the second days of January and July, and interest and principal at the office of the county treasurer, and as prescribed aforesaid for said bonds, in gold coin of the United States of America, and the whole or any part of such bonds redeemed upon notice as indicated in the form for said bonds hereinbefore set forth; but 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 such gold coin, nor that payments shall be at such treasurer's office, nor that such bonds are redeemable in the manner indicated in such form for said bonds hereinbefore set forth; but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

Interest payments.

SEC. 13. A special fund to be named "Road District Improvement Fund No. _____" (the number to be that of the district) for the discharge and payment of such bonds and the interest thereon shall be constituted as follows, to wit: There shall be each year, at the time of the levy of the general levy of state and county taxes, be levied against and upon all the land within said Road Improvement District No. _____ (being the district established and as bounded in the order ordering the work to be done) 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 or will become due and all interest which has or will become payable, on said bonds, before the proceeds of another tax levy at the time of the general tax levy for state and county purposes can be made available for the payment of such bonds.

Special bond fund to be constituted.

Special tax.

The board of supervisors shall, from the general road funds of the county transfer to said "Road District Improvement Fund No. _____," such amount as, in the judgment of said board, is a fair proportion of the general road fund of the supervisorial district in which said Road Improvement District No. _____ is situated.

Transfer from general road fund.

In any event it shall be the duty of the board of supervisors to levy a sufficient special assessment tax upon all the land within said Road Improvement District No. _____, to maintain such Road District Improvement Fund No. _____ sufficient to pay the principal and interest of said bonds as the same shall become payable. And the board of supervisors is

hereby vested with power to do all and singular the things which in this section aforesaid it is declared shall be done.

SEC. 14. The board of supervisors is hereby vested with power as follows, to wit:

Powers of supervisors.

Appointment of engineer of work.

1. To appoint, at any stage of the proceeding before calling for proposals or bids, any competent person, to be designated "engineer of work," for the purpose of doing and furnishing all the civil engineering work or services, surveying, and similar work and services necessary to the proper doing of the work. His compensation or at least the rate 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 board.

Superintendent 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 for him in this act prescribed or indicated, and for the general actual supervision of the work. His compensation shall be fixed at the time and in the resolution of his appointment at a per diem not to exceed five dollars for all time actually devoted to the work.

Other employés.

3. To designate any competent person for the purpose of preparing and furnishing the specifications required by section 2 of this act, and with such designation to fix his compensation, or some basis for computing the same.

Same.

4. 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 appointee.

Same person may hold several positions.

The same person may, successively or otherwise, be appointed to prepare specifications, to be superintendent of work and to be engineer of work, and these or any of them conjunctively with the aggregate of the compensation provided for each. But no part of such or any compensation shall be a charge against the county or any officer thereof, except that for furnishing specifications and posting the resolution of intention, the charge shall be against the county if the proceeding cease or be abandoned before the award of the contract.

Costs of proceeding, by whom to be paid.

SEC. 15. All the costs and expenses of the proceeding, inclusive especially of the compensation of the person appointed to furnish the specifications, of the superintendent of work, of the engineer of work, of the cost of all publications under this act required to be made, shall be chargeable to and paid by the contractor, and they shall have been paid before delivery of the bonds shall be made by the county treasurer, *provided, however*, that the county treasurer may make delivery of such bonds, if there be deposited with him, subject to the order of the board of supervisors, money to the amount of the costs and expenses chargeable to the contractor as the same is stated in the attested order of the board of supervisors, provided for in section 12 of this act.

The contractor and all persons claiming under him any interest in said bonds, whether of ownership, lien or otherwise, shall be deemed to have notice of the contents of this section.

SEC. 16. If publication in the newspaper designated in the resolution of intention become impossible for the reason that such newspaper has ceased to be published or for any like reason, which renders publication therein impossible, the board of supervisors may, by a resolution to be entered in its minutes, and stating the facts, designate another newspaper for each required publication as occasion therefor arises.

Place of publication may be changed, how.

SEC. 17. All papers in a proceeding under this act (save such as thereunder may be returnable to owners) shall be filed with the clerk of the board of supervisors, and by him kept together in a package appropriately labeled. Whenever in this act the term "clerk of the board of supervisors" is employed, it shall be deemed to include one who is, ex-officio, such, and it shall be immaterial that he designate himself as county clerk where the county clerk is ex-officio clerk of the board of supervisors, nor shall it be material that his act be by deputy.

All papers to be filed with county clerk.

SEC. 18. This act shall be known as the "Road District Improvement Act of 1907," and by such designation shall be sufficiently identified in any proceeding thereunder, and whenever in the resolution of intention it shall be set forth or recited that the proceeding is under the "Road District Improvement Act of 1907," this act shall be construed as the paramount statute for such proceeding, independently of, and alternatively for, other statutes for the improvement of public ways not within incorporated cities and towns.

Name of act.

CHAPTER 443.

An act to amend sections nineteen hundred and eight, nineteen hundred and fourteen, nineteen hundred and sixteen, nineteen hundred and twenty-two, nineteen hundred and twenty-three, all of the Political Code of the State of California, relating to the enrolled militia.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section nineteen hundred and eight of the Political Code of California is hereby amended to read as follows:

1908. *Staff of Commander-in-Chief.* The staff of the commander-in-chief shall consist of one adjutant general with the rank of brigadier general, one assistant adjutant general, one assistant inspector general (who may be the officer regu-

Staff of commander-in-chief.

larly detailed on duty with the national guard of California by the secretary of war), one assistant paymaster general, one chief engineer, one judge advocate general, one surgeon general, each with the rank of colonel; one aid-de-camp with the rank of commander, and additional aids-de-camp with the rank of lieutenant colonel; all appointed by and holding office at the pleasure of the commander-in-chief, or until their successors are appointed and have qualified, except as provided in section five of section one thousand nine hundred and twenty-three of this code, relating to the assistant adjutant general. There shall also be two staff orderlies with the rank of sergeant-major, appointed and warranted by the adjutant general and holding office at his pleasure.

SEC. 2. Section nineteen hundred and fourteen of the Political Code of California is hereby amended to read as follows:

1914. *Organization of Reserve Militia When Ordered Out.*

Reserve militia, organization of when ordered out.

The portion of reserve militia ordered out or accepted into the service, as indicated in sections nineteen hundred and nine and nineteen hundred and ten of this chapter, shall be immediately mustered into the service of the state for one year, or such less period as the commander-in-chief may direct, and shall be organized into troops, batteries, or companies, which may be arranged in squadrons, battalions, or regiments, or assigned to organizations of the national guard already existing. The commander-in-chief is authorized to appoint the officers necessary to commence or complete any organization thus created, *provided* that before being commissioned such officers shall be required to comply with section nineteen hundred and fifty-four of the Political Code. Such new organization shall be equipped, disciplined and governed according to the military regulations of the state.

SEC. 3. Section nineteen hundred and sixteen of the Political Code of California is hereby amended to read as follows:

1916. *Commission of Officers Called Into Active Service.*

Commission of officers called into active service.

The commission of any officer called into active service continues until he is relieved by order of the governor. Upon expiration of the commission of any officer called into active service, or if a vacancy exists, or occurs among the commissioned officers in active service, the vacancy may be filled by the governor.

SEC. 4. Section nineteen hundred and twenty-two of the Political Code of California is hereby amended to read as follows:

1922. *Relief from Civil or Criminal Liability.*

Civil or criminal liability, relief from.

Members of the militia ordered into active service of the state by any proper authority shall not be liable civilly or criminally, for any act done by them in line of duty. When a suit or proceeding shall be commenced in any court by any person against any officer of the militia for any act done by such officer in his official capacity in the discharge of any duty under this chapter, or against any soldier acting under the authority or order

of any such officer, or by virtue of any warrant issued by him pursuant to law, it shall be the duty of the attorney general to defend such officer or soldier; *provided, however*, where the action or proceeding is criminal, the adjutant general shall designate the judge advocate general, or one of the judge advocates, to defend such officer or person.

SEC. 5. Section nineteen hundred and twenty-three of the Political Code of California is hereby amended to read as follows:

1923. *The Adjutant General and Assistants.* The adjutant general shall be in control of the military department of the state, and subordinate only to the governor in matters pertaining to said department. He will perform such duties as are prescribed in this title, or required by the commander-in-chief, and such other duties consistent with the regulations and customs of the United States army as may be required by the commander-in-chief. He shall be ex-officio chief of staff, quartermaster general, chief of ordnance, commissary general, inspector general, and paymaster general. All of the duties of the adjutant general shall be performed under the direction of the commander-in-chief.

Control of
military
depart-
ment.

(1) He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and make a biennial report to the governor, including a detailed statement of all moneys received and disbursed by him for military purposes during that period, and the number and condition of the national guard.

Duties of
adjutant
general.

(2) He shall, at the expense of the state when necessary, cause the military law, the general regulations of the state, and articles of war of the United States to be printed, indexed, and bound in proper and compact form and distributed to the commissioned officers.

(3) He shall cause to be prepared and issued all necessary blank books, blanks, and notices required to carry into full effect the provisions of the title. All such books and blanks shall be and remain the property of the state.

(4) The seal now used in the office of the adjutant general shall be the seal of his office, and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with his seal.

(5) The adjutant general shall have one assistant adjutant general, appointed and commissioned by the commander-in-chief, as provided, upon the recommendation of the adjutant general; one chief clerk, three clerks, one stenographer and one armorer. The clerks, stenographer and armorer shall be appointed by the adjutant general.

(6) In order that the national guard of the state may receive the benefit of the funds provided by congress, it shall be the duty of the adjutant general of the state to prepare and submit a plan of proposed field or camp service of instruction for the ensuing year, with an estimate of the funds

Duties of
adjutant
general.

required for payment, subsistence, and transportation of the portion of the national guard participating therein; said estimate to furnish the details and to be made out in the form required by instructions from the secretary of war.

(7) He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property, in possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand; such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instructions.

(8) He shall attend to the care, preservation, and safe-keeping, and repairing of the arms, ordnance, accouterments, equipments, and all other military property belonging to the state, or issued to the state by the government of the United States for the purpose of arming and equipping the organized militia. All military property of the state which, after a proper inspection, shall be found unsuitable for the use of the state, shall, under the direction of the governor, be disposed of by the adjutant general at public auction after suitable advertisement of sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale when so ordered by the governor. He shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained. He shall, from time to time, render to the governor a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the governor may direct.

He shall be responsible for all the arms, ordnance, accouterments, equipments, and other military property which may be issued to the state by the secretary of war in compliance with law; and it shall thereafter be his duty to prepare returns of said arms and other property of the United States at the times and in the manner requested by the secretary of war.

He shall, upon the order of the governor, turn in to the ordnance department of the United States army the rifles, carbines, bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments, the property of the United States and in possession of the state, which may be replaced, from time to time, by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under instructions from the secretary of war, to the designated arsenal or depot at the expense of the United States. And when the national guard of the state shall be fully armed and equipped with standard service magazine arms, and the standard equipment and accouterment of the United States army, he shall cause all the remaining arms, equipments, etc., the property of the United States and in possession of the state, to be transferred and shipped as above directed.

(9) He shall keep a just and true account of all expenses necessarily incurred, including pay of officers and enlisted men, subsistence of militia, transportation of the militia, and of all military property of the state, and such expenses shall be audited and paid in the same manner as other military accounts are audited and paid.

*Duties of
adjutant
general.*

(10) He shall issue such military property as the governor shall direct, and under his direction make purchases for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except to such portions of the reserve militia as may be called out by the governor.

Purchases of property not exceeding \$500 in value shall be made in such manner as the adjutant general shall direct. If such purchase shall require the expenditure of a sum exceeding \$500, he shall publicly advertise, for not less than ten days, for sealed proposals for furnishing such property; such proposals shall be publicly opened by the adjutant general at the place, day and hour designated in such advertisement.

The adjutant general shall, if the governor approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the adjutant general. The adjutant general is authorized and directed, whenever, in his opinion, it shall be to the interest of the state, to require a party who shall agree or contract to furnish such property to give bond to the people of this state in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default such bond shall be prosecuted by the attorney general and all moneys recovered shall be applied by the adjutant general to the benefit of the national guard.

All property purchased under the authority hereby granted shall be inspected by an inspector or an officer detailed for the purpose by the governor, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract.

In case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof, the governor may temporarily suspend the operation of this paragraph and direct the adjutant general to purchase such military property as may be required in open market.

(11) He shall attest all commissions issued to military officers.

(12) He will superintend the preparation of all returns and reports required by the United States from the state.

(13) In the absence of the adjutant general, the assistant adjutant general shall perform the duties prescribed for the adjutant general.

CHAPTER 444.

An act to amend sections nineteen hundred and twenty-five, nineteen hundred and twenty-eight, nineteen hundred and twenty-nine, nineteen hundred and thirty-one, nineteen hundred and thirty-two, nineteen hundred and thirty-three, nineteen hundred and fifty-three, nineteen hundred and fifty-four, nineteen hundred and fifty-five, nineteen hundred and fifty-eight, nineteen hundred and sixty-five, nineteen hundred and sixty-seven, nineteen hundred and eighty-five, two thousand and three, two thousand and four, two thousand and twenty-one, two thousand and forty-four, two thousand and forty-five, two thousand and seventy-nine, two thousand and eighty-one, two thousand one hundred and five, two thousand one hundred and eleven, two thousand one hundred and twelve, all of the Political Code of the State of California, relating to the national guard.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

National
guard.

SECTION 1. Section nineteen hundred and twenty-five of the Political Code of California is hereby amended to read as follows:

Composi-
tion and
strength.

1925. *Composition and Strength.* The national guard of California shall consist of such number of companies of engineers, signalmen, coast artillery, and infantry, and such number of troops of cavalry, and divisions of the naval militia, as the commander-in-chief may direct, the medical department, the staff of the commander-in-chief, officers on the retired list, and such officers and enlisted men as may be authorized by law. The total number of companies, troops, and divisions of the naval militia shall not exceed eighty; *and provided*, that not more than two companies of engineers, two companies of signalmen, four troops of cavalry, or nine divisions of the naval militia shall exist in addition to the companies of infantry that may be authorized.

Sec. 2. Section nineteen hundred and twenty-eight of the Political Code of California is hereby amended to read as follows:

Staff of
brigadier
general.

1928. *Staff of Brigadier General.* The staff of a brigadier general shall consist of one assistant adjutant general, with the rank of lieutenant colonel; one brigade inspector, one inspector of small arms practice, one quartermaster (who shall act as paymaster), one commissary, one engineer officer, one judge advocate, each with the rank of major; one surgeon, with the rank of lieutenant colonel; and two aids, with the rank of first lieutenant.

SEC. 3. Section nineteen hundred and twenty-nine of the Political Code of California is hereby amended to read as follows:

1929. *Medical Department.* The medical department shall consist of one surgeon general, with the rank of colonel on the staff of the commander-in-chief; two surgeons, with the rank of lieutenant colonel on the staff of the brigadier generals; five surgeons, with the rank of major; and twenty assistant surgeons, with the rank of first lieutenant, who shall be promoted to captains after five years' service. The assignments of medical officers to duty shall be made by the commander-in-chief, upon the recommendation of the surgeon general. The number of sergeants, first-class; sergeants, corporals, privates, first-class; and privates of the hospital corps, shall be designated by the commander-in-chief, but shall not exceed such a number as may be required to make the proper details to the various organizations, as prescribed by the United States army regulations, manuals, or orders; *provided*, that in emergencies, or when there is great necessity therefor, the commander-in-chief may authorize the enlistment of not to exceed one hundred additional men for the purpose of the temporary organization of an ambulance company or of a field hospital, or both, and such other detachments as the necessities of the service may require. Medical department.

SEC. 4. Section nineteen hundred and thirty-one of the Political Code of California is hereby amended to read as follows:

1931. *Signal Corps.* Each company of signal men shall consist of one captain, one first lieutenant, one second lieutenant, and not to exceed sixty-five enlisted men. Signal corps.

SEC. 5. Section nineteen hundred and thirty-two of the Political Code of California is hereby amended to read as follows:

1932. 1. *Coast Artillery.* Whenever practicable the companies of coast artillery shall be organized into battalions and regiments. Each separate battalion of coast artillery shall have the following designated officers and noncommissioned officers: One major, three extra first lieutenants, to be available for detail as battalion adjutant, battalion quartermaster, and battalion commissary, and such other details as may be authorized by law and regulations; one battalion sergeant major, one quartermaster sergeant, one commissary sergeant, one electrician sergeant, two color sergeants, and each company shall have the following officers: One captain, one first lieutenant, and one second lieutenant. Coast artillery.

2. Each regiment of coast artillery shall consist of one colonel, one lieutenant colonel, one major for each battalion, three extra captains who shall be available for detail as regimental adjutant, quartermaster, or commissary, three extra first lieutenants to be detailed as battalion adjutants, three extra second lieutenants to be detailed as battalion quartermasters and commissaries; one chaplain with the rank of

captain; one sergeant major, one quartermaster sergeant, one commissary sergeant, three battalion sergeant majors, two color sergeants, one electrician sergeant, one band, and not less than nine nor more than twelve companies, organized into three battalions.

SEC. 6. Section nineteen hundred and thirty-three of the Political Code of California is hereby amended to read as follows:

Cavalry.

1933. *Cavalry.* If two or more troops of cavalry are authorized, they may be organized into a squadron, with the following designated officers and noncommissioned officers: One major, three extra first lieutenants, to be available for detail as squadron adjutant, squadron quartermaster, and squadron commissary, and such other details as may be authorized by law and regulations; one veterinarian (veterinary surgeon), one squadron sergeant major, one squadron quartermaster sergeant, one squadron commissary sergeant, and two color sergeants. Each troop of cavalry shall have the following officers: One captain, one first lieutenant, and one second lieutenant.

SEC. 7. Section nineteen hundred and fifty-three of the Political Code of California is hereby amended to read as follows:

Commission, eligibility required to receive.

1953. *Eligibility Required to Receive a Commission.* Commissioned officers must be citizens of the United States, of the age of eighteen years and upwards. No person who has been expelled or dishonorably discharged from any military or naval organization of the United States, this state, or any other state in the union, shall be commissioned in the national guard of California. No person shall be commissioned unless he shall possess the additional requirements herein prescribed for the particular office to which he is to be commissioned. A brigadier general at the time of his appointment shall have served at least four years as an officer in the national guard of California, or in the United States military service, or both. All surgeons and assistant surgeons of the national guard shall be regularly graduated, licensed, and practicing physicians or surgeons, qualified to practice their profession in California. All judge advocates of the national guard shall be members of the bar of the supreme court of the State of California. All engineer officers of the national guard shall be civil engineers. All chaplains shall be regularly ordained ministers.

SEC. 8. Section nineteen hundred and fifty-four of the Political Code of California is hereby amended to read as follows:

Examination before receiving commission.

1954. *Examination.* Before receiving a commission consequent upon an original appointment or election, or upon reappointment or reelection, or before being commissioned to a higher grade as a result of promotion, every officer must have passed a satisfactory physical examination before any surgeon of the national guard, or any reputable physician or surgeon residing in the county wherein said officer resides, if no sur-

geon of the national guard resides therein, and a satisfactory examination before a board of commissioned officers as to his knowledge of military affairs and general knowledge and fitness for the service, and any one failing to pass such examinations shall not be eligible for an office in the militia of this state or for promotion for a period of one year after the date of such failure. General officers, officers on the staff of the commander-in-chief, judge advocates, engineer officers, and chaplains are exempt from examination.

SEC. 9. Section nineteen hundred and fifty-five of the Political Code of California is hereby amended to read as follows:

1955. Examining Boards. Boards of examination under the preceding section shall consist of three officers, two of which shall be line officers, and shall be detailed by the commander-in-chief. Such boards shall have the same power to take evidence, administer oaths, and compel witnesses to attend and testify and produce books and papers, and punish their failure to do so, as is possessed by a general court-martial. When a certificate of appointment or return of election is received by a board, the person appointed or elected shall by it be ordered before it within twenty days for examination. The board shall thoroughly examine the candidate for a commission as to his military and general qualifications and under such regulations as the commander-in-chief may prescribe; and, if in the opinion of the majority of the board, he is duly qualified, the fact shall be duly certified to the commander-in-chief. Examining boards.

SEC. 10. Section nineteen hundred and fifty-eight of the Political Code of California is hereby amended to read as follows:

1958. Elections. Two months previous to the expiration of the term of service of any elective officer, or upon a vacancy occurring among the elective officers of any organization attached to a brigade, the brigade commander must order an election therefor, designate an officer to preside thereat, the time and place of holding the election, and the office to be filled, such order to be promulgated at least ten days prior to the date set for the election. The presiding officer must make return in duplicate of the election held, to the commanding general of the brigade, who shall forward one copy of said election return to the proper examining board and shall retain the other copy at his headquarters. Upon receiving notice from the examining board that the officer or officers-elect have passed a successful examination, which notice shall be endorsed upon the return of election sent to said board, he shall forward the same through regular military channels for approval to the adjutant general, who, upon finding the same in accordance with the provisions of law, orders, and regulations, must notify the commander-in-chief thereof for his consideration, who, if he approves, shall issue the commission. In all elections for commissioned officers a majority of the votes of those present (a majority of those entitled to vote being present) shall be Elections.

necessary to a choice. Should there be no choice, or no quorum present, the presiding officer shall adjourn the meeting to a time not to exceed fifteen days, and at that meeting conduct another election; and, if such second meeting result in no choice, the commander-in-chief shall be notified and may then fill the vacancy by appointment. If the officer elected or reelected, and duly notified, does not appear before said examining board when summoned by it, he shall be deemed to have declined his commission, and there shall be another election ordered. The filing of a proper certificate of said board with the officer ordering the election, that the officer elected or appointed has failed to pass an examination, or declined to appear before the board when notified, shall be deemed sufficient for ordering a new election. When vacancies occur at an election through the promotion of any officer, such vacancies may then and there be filled without further order. The commander-in-chief will issue like orders to fill like vacancies in unattached organizations. The officer designated to preside thereat must make duplicate returns to the adjutant general, and the commander-in-chief must designate the board to examine the officer or officers elected.

Vacancies.

SEC. 11. Section nineteen hundred and sixty-five of the Political Code of California is hereby amended to read as follows:

Absence or removal, when deemed resignation.

1965. *Absence or Removal; When Deemed Resignation.* Any commissioned officer who absents himself from the state, or from his command, for more than thirty days, without the permission of the commander-in-chief, is deemed to have resigned, and such resignation shall be announced in orders from the adjutant general's office immediately after the fact of such absence becomes officially known.

SEC. 12. Section nineteen hundred and sixty-seven of the Political Code of California is hereby amended to read as follows:

Dishonorable discharge bar to holding office.

1967. *Dishonorable Discharge Bar to Re-entry and to Holding Office.* No dishonorably discharged officer of the national guard or naval militia of California shall be permitted to hold any public office of trust or emolument in this state, or be permitted to again enter any company of the national guard or division of the naval militia, or be commissioned in the national guard or naval militia, except the offense be pardoned by the commander-in-chief.

SEC. 13. Section nineteen hundred and eighty-five of the Political Code of California is hereby amended to read as follows:

Discharges, when and by whom granted.

1985. *Discharges, When and by Whom Granted.* Any enlisted man may be honorably discharged before the expiration of his term of service by order of the commanding officer of the regiment or unattached battalion, or, if a member of an unattached company or troop, by the brigade commander or the commander-in-chief, upon the recommendation of his commanding officer, for any of the following reasons: To accept promotion by commission; upon removal of residence from the

state, or out of the bounds of the command to which he belongs to so great a distance that, in the opinion of the commanding officer, he can not properly perform his military duty; and upon disability, established by certificate of a medical officer. Any enlisted man may be discharged for the good of the service by the commanding officer of the regiment or unattached battalion, or if a member of an unattached company or troop, by the brigade commander, or in other instances, by the commander-in-chief, upon the recommendation of a company or troop commander, and after a careful investigation by the officer issuing the discharge. Any enlisted man may be discharged without honor by a summary court, or he shall be discharged without honor by the commanding officer of a regiment or unattached battalion, or if a member of an unattached company or troop, by the brigade commander, or in other instances, by the commander-in-chief, upon application for such a discharge by the commanding officer of a company or troop, which application must be made by such company or troop commander, if at a regular meeting of a company or troop or a meeting called for that purpose two thirds of the members of the company or troop vote for the discharge of one of their members, or upon such application which may be made by a company or troop commander upon the approval of the application of two thirds of the members of a company or troop, requesting the discharge of an enlisted man of such company or troop. Any enlisted man may be dishonorably discharged for any of the following reasons: Upon conviction of felony in a civil court; for neglect, or refusing to pay any fine imposed by any military court within thirty days after it was imposed; by sentence of a court-martial. The discharges herein provided shall be made by the commanding officer of the regiment or unattached battalion, and in the case of members of unattached companies or troops, by the commanding general of the brigade of which said unattached organization is a part, or by the commander-in-chief. A character shall be attached to all written discharges, and a written discharge specifying character shall be furnished all who are honorably discharged. Every member of the national guard dishonorably discharged from the military service of the State of California shall thereby be disfranchised for a period of one year next ensuing such discharge, in addition to penalties provided in section nineteen hundred and sixty-seven of the Political Code.

SEC. 14. Section two thousand and three of the Political Code of California is hereby amended to read as follows:

2003. *Drills and Parades.* Officers and enlisted men of each troop and company must assemble for drill and instruction at least three times each month, at intervals of not less than one week. The adjutant general may, however, designate two months in each year in which there need be no drills. In addition to such drills and instructions, the commanding officer of any organization may require officers and enlisted men of his command to assemble for drill or instruction at such other

Drills and
parades.

times and places as he may appoint; *provided*, that no commanding officer shall order a parade without the approval of the commanding general of the brigade to which his organization is attached, or of the commander-in-chief. All mounted companies must drill mounted at least four times each year. Upon the occasion of public receptions, or upon the celebration of any event of public importance, the commander-in-chief, or the commanding general of a brigade, may order out any portion of the national guard under his command to parade.

SEC. 15. Section two thousand and four of the Political Code of California is hereby amended to read as follows:

Companies parading with less members than required.

2004. *Companies Parading With Less Members Than Required by Regulations or Orders May Be Disbanded.* Any company parading at any of the parades or drills in this article provided for with a less number than required by regulations or orders, must be reported to the adjutant general, and by him reported to the commander-in-chief, who, in his discretion, may disband the same.

SEC. 16. Section two thousand and twenty-one of the Political Code of California is hereby amended to read as follows:

Revision and approval of sentence.

2021. *Revision and Approval of Sentence.* The officer appointing a court-martial must review the proceedings and approve or disapprove the sentence of such court-martial, and must direct the execution of such sentence, or mitigate the punishment, or may remit the sentence of the person convicted; *provided*, that an officer so sentenced may within fifteen days after official publication of the action of the reviewing officer appeal to the commander-in-chief to review the proceedings and to disapprove them or pardon the offense, in which case the officer approving the sentence will forward the proceedings in the case to the commander-in-chief, and the execution of the sentence must be suspended until the proceedings are returned with the decision thereon; *provided*, that no commissioned officer shall be dismissed from the service without the approval of the commander-in-chief; *provided further* that an enlisted man belonging to an organization attached to a brigade may appeal in like manner to the brigade commander, and, if to an unattached organization, to the commander-in-chief; or, if the brigade commander be the reviewing authority, the appeal may be made to the commander-in-chief; and the sentence must be suspended in the same manner as provided for in the case of commissioned officers.

SEC. 17. Section two thousand and forty-four of the Political Code of California is hereby amended to read as follows:

State property must be accounted for on returns.

2044. *Property Purchased With State Money Must Be Accounted for on Property Returns.* All military property purchased out of the moneys allowed by the state shall be held to be the property of the state, and must be enumerated on the property returns next following its purchase.

SEC. 18. Section two thousand and forty-five of the Political Code of California is hereby amended to read as follows:

2045. *Responsibility for Public Property.* Every officer and enlisted man to whom property of the state or the United States has been issued shall be personally responsible to the state for such property, and no one shall be relieved from such responsibility except it be shown to the satisfaction of the commander-in-chief that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for the same; in all other cases the value of the property lost or destroyed shall be charged against the person at fault or to the organization to which it had been issued, and such person or organization, if not relieved from such charge by the commander-in-chief, shall pay the value of such property to the adjutant general, and if the latter so demands the commanding officer of the organization to which such property was issued shall pay the value thereof to the adjutant general from the quarterly allowance to such organization. If such property belongs to the United States the value thereof so recovered shall be paid to the United States to cover the loss or destruction thereof, but if it be state property the value so recovered shall be applied by the adjutant general for military purposes. The value of lost or destroyed property and the person or organization to be charged therewith shall be determined by the usual method of survey.

Responsibility for public property.

SEC. 19. Section two thousand and seventy-nine of the Political Code of California is hereby amended to read as follows:

2079. *Allowances for Military Organizations. Military Fund.* There must be audited and allowed by the adjutant general, and paid out of the appropriation for military purposes, upon the warrant of the state controller, to the commanding officer of each infantry or artillery company, or company of signal men of the national guard, the sum of one hundred dollars per month; and to the commanding officer of each troop of cavalry, and the engineer division of the naval militia, the sum of two hundred dollars per month; and to the commanding officer of each division, except the engineer division, of the naval militia, the sum of one hundred dollars per month; the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. There must also be audited, allowed, and paid out of the same appropriation, to the commanding officer of each regiment or battalion, the sum of six dollars per month for each company in his command, for clerical expenses, stationery, printing, postage, and proper incidental expenses, and if the regiment or battalion has four companies or more, and has attached to it an organized and uniformed band of not less than twenty men, the additional sum of thirty-five dollars per month for such band; to the brigadier general of each brigade, five dollars per month for each company in his brigade; to the surgeon general, the sum of twenty-five dollars per month,

Military organizations, allowances for.

for rent and proper incidental expenses; and to the adjutant general, ten thousand dollars per annum, to be expended by him in promoting target practice. There must be audited and allowed by the adjutant general, and paid out of the appropriation for military purposes, to the surgeon in charge of each detachment of the medical department on duty with a regiment or unattached battalion, and to the chief surgeon of the naval militia, not to exceed the sum of fifty dollars per month, for rent and proper incidental expenses of such detachment. No claims shall be allowed under the provisions of this section except upon demands made quarterly, in duplicate, signed and sworn to by the officer claiming the same, before any field officer of the national guard, or a notary public, and forwarded through the regimental, unattached battalion, squadron or company headquarters, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant general; *provided*, that the adjutant general may make expenditures at any time for the promotion of target practice out of the appropriation for that purpose herein provided.

Quarterly
demands.

SEC. 20. Section two thousand and eighty-one of the Political Code of California is hereby amended to read as follows:

2081. *Bonds of Officers, Captain ex-officio Company Treasurer.* All officers of the national guard having in their possession or under their control property or money of the state or of the United States or of any company must give such bonds and security as may be required by the adjutant general to secure the state from loss on account of the misuse or misapplication of any state or company property or funds. Said bond must be with two or more good and sufficient sureties, or as provided in section one thousand and fifty-six of the Code of Civil Procedure, conditioned upon his faithful performance of all duties, and accounting for all property and moneys, including company funds, of which the commanding officer, who is ex-officio treasurer, shall be custodian. Where a bonding company is required or given as surety, the cost of bond may be paid from the state allowance to commanding officers.

Bonds of
officers.

SEC. 21. Section two thousand one hundred and five of the Political Code of California is hereby amended to read as follows:

2105. *Colors.* The colors carried by organizations of the national guard shall be such as are borne by similar organizations of the United States army, except that the regimental or battalion colors may have thereon the state coat-of-arms, instead of the arms of the United States; and no military organization provided for by the constitution and laws of the state and receiving state support, shall, while under arms, either for ceremony or duty, carry any device, banner, or flag of any state or nation, except that of the United States, or the State of California.

Colors.

SEC. 22. Section two thousand one hundred and eleven of the Political Code of California is hereby amended to read as follows:

2111. *Divisions.* The organized naval militia of California, if authorized, shall consist of not more than nine divisions, including one engineer division. The naval militia shall be located throughout the coast of the state at the discretion of the commander-in-chief. The word "division" as used in this section in connection with the naval militia shall have the same meaning and effect as "company" when used in connection with the infantry. Divisions.

SEC. 23. Section two thousand one hundred and twelve of the Political Code of California is hereby amended to read as follows:

2112. (1) *Organization.* The numerical strength, rank, titles, and insignia of rank of the divisions of the naval militia shall conform to the laws, rules and regulations of the United States navy, so far as the same may be effectively applicable. The naval militia shall be commanded by a captain. There shall also be the following commissioned officers, viz: One commander and one lieutenant commander, who, in order of rank, in the absence or disability of the superior, shall perform his duties and shall at all times assist the commanding officer in the performance of his duties; one chief engineer, with the rank of lieutenant commander, and one lieutenant. The lieutenant shall be subject to detail by the commanding officer of the naval militia as navigating and ordnance officer or such other proper detail as such commanding officer may desire. The above officers to be elected in the same manner and hold office for the same term as field officers of the national guard. All elections for officers in the naval militia shall be ordered by the commander-in-chief. There shall also be an aide to the commanding officer of the naval militia who shall be a line officer with the rank of lieutenant, who shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia. Organiza-
tion of
naval
militia.

(2) There may also be a chaplain, who shall be of the same grade and rank as in the United States navy and who shall be appointed by the commander-in-chief. Each division of the naval militia shall be commanded by a lieutenant, and shall include one lieutenant junior grade, two ensigns, and not less than forty nor more than one hundred petty officers and seamen. The commissioned officers of each division shall be elected in the same manner and hold office for the same term as company officers of the national guard. Officers of the naval militia may be retired as provided in section nineteen hundred and sixty-three, of this chapter. The lieutenant and lieutenant junior grade of the engineer division shall each hold the grade of passed assistant engineer, and the ensigns of the engineer division shall each hold the grade of assistant engineer. All engineer officers shall be recognized engineers or machinists of at least two years' standing. The pay department of the naval militia shall consist of one paymaster with

Organiza-
tion of
naval
militia.

the rank of lieutenant, and one passed assistant paymaster with the rank of lieutenant junior grade, who shall be staff officers, to be appointed and qualified as are other staff officers of the national guard. The medical department of the naval militia shall be allowed the following commissioned officers, viz: One chief surgeon, with the rank of lieutenant commander; one surgeon, with the rank of lieutenant, and there may be to each division of the naval militia one assistant surgeon with the rank of lieutenant junior grade. The appointment of the commissioned officers of the medical department of the naval militia shall be made by the commander-in-chief, and no person shall receive the appointment of surgeon or assistant surgeon unless he is a licensed graduate of a medical school, and unless he shall have been examined and approved by a medical board, consisting of not less than three surgeons, designated by the commander-in-chief, upon the recommendation of the surgeon general of the national guard. All officers of the naval militia, prior to being commissioned, consequent upon an election, appointment, reëlection, or reappointment, shall be subject to examination as to qualification and general fitness for the service by a board of officers, to be detailed by the commander-in-chief. The warrant officers, chief petty officers, and petty officers of the naval militia shall be the same as in the United States navy and of such numbers as the exigencies of the service may require. Warrants for warrant officers may be issued by the adjutant general upon the recommendation of the commanding officer of the naval militia. Chief petty officers and petty officers shall be appointed by the commanding officer of the naval militia. The organization of the naval militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform, as nearly as may be, to that of the navy of the United States, as it is now, or may hereafter be, prescribed by Congress, and that prescribed by the provisions of the Political Code relating to the national guard of California; and the commander-in-chief shall have power to alter, divide, annex, consolidate, or disband the naval militia, whenever in his judgment the efficiency of the state forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government, and instruction of the naval militia; but such rules and regulations shall conform as nearly as practicable to those governing the United States navy. The commander-in-chief is authorized to apply to the President of the United States for the detail of commissioned and petty officers of the navy, to act as inspectors and instructors in the art of naval warfare. Courts-martial for the naval militia, when necessary, shall be ordered by the commander-in-chief, and shall be organized and conducted under the laws, regulations, and usages of the United States navy and the provisions and sections relating to military courts in this chapter. The proceedings shall be reviewed and sentence executed as provided in this chapter.

CHAPTER 445.

An act to amend sections 3093, 3094 and 3095 of the Political Code relating to dissection of dead bodies.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3093 of the Political Code is hereby amended to read as follows:

3093. Any person licensed by the medical or osteopathic boards of examiners in this state or any medical or osteopathic student, under the authority of any such licensed physicians, may obtain, as hereinafter provided, and have in his possession human dead bodies, or the parts thereof, for the purposes of anatomical inquiry or instruction.

Physicians may obtain dead bodies.

SEC. 2. Section 3094 of the Political Code is hereby amended to read as follows:

3094. Any sheriff, coroner, keeper of a county poor-house, public hospital, county jail, or state prison, or the mayor or board of supervisors of the city of San Francisco, must surrender the dead bodies of such persons as are required to be buried at the public expense to any physician or surgeon, licensed by the medical or osteopathic boards of examiners, to be by him used for the advancement of anatomical science, preference being always given to medical and osteopathic schools, by law established in this state, for their use in the instruction of students. But if such deceased person during his last sickness requested to be buried, or if within twenty-four hours after his death some person claiming to be of kindred or a friend of the deceased requires the body to be buried, or if such deceased person was a traveler who suddenly died before making himself known, such dead body must be buried without dissection.

Surrender of bodies required to be buried at public expense.

SEC. 3. Section 3095 of the Political Code is hereby amended to read as follows:

3095. Every physician, licensed by the medical or osteopathic boards of examiners in this state, before receiving a dead body, must give to the board or officer surrendering the same to him a certificate from the county board of supervisors that he is a fit person to receive such dead body. He must also give a bond, with two sureties, that each body so by him received will be used only for the promotion of anatomical science, and that it will be used for such purpose within this state only, and so as in no event to outrage the public feeling.

Physicians to give certificate from super-
visors.

SEC. 4. This act shall take effect immediately.

CHAPTER 446.

An act to add a new section to the Civil Code of the State of California, to be known as section number 602a, relating to corporations sole.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code of the State of California to be known as section number 602a to read as follows:

Corpora-
tions sole
con-
tinuous
existence.

602a. Every corporation sole shall have continued succession and continuous existence during the term for which it is organized to exist, notwithstanding vacancies in the incumbency thereof, and during the period of any such vacancy such corporation sole shall have the same capacity and right to receive and take any gift, bequest, devise or conveyance of property, either as grantee for its own use, or as trustee, and to be or be made the beneficiary of a trust, as though there were no vacancy. No agency created by a corporation sole by a written instrument which in express terms provides that the agency thereby created shall not be terminated by a vacancy in the incumbency of such corporation, shall be terminated or affected by the death of the incumbent of such corporation or by a vacancy in the incumbency thereof, however caused.

SEC. 2. This act shall take effect immediately.

CHAPTER 447.

An act to add a new section to the Code of Civil Procedure of the State of California to be known as and numbered section 437a, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Actions to
recover
insurance,
what
defendant
claiming
exemption
must
set up

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, to be known and numbered as section 437a, to read as follows:

437a. In an action to recover upon a contract of insurance wherein the defendant claims exemption from liability upon the ground that, although the proximate cause of the loss was a peril insured against, the loss was remotely caused by or

would not have occurred but for a peril excepted in the contract of insurance, the defendant shall in his answer set forth and specify the peril which was the proximate cause of the loss, in what manner the peril excepted contributed to the loss or itself caused the peril insured against, and if he claim that the peril excepted caused the peril insured against, he shall in his answer set forth and specify upon what premises or at what place the peril excepted caused the peril insured against.

SEC. 2. This act shall apply to all pleadings filed after the passage of this act, as well as actions then pending as in those thereafter begun. Pending actions.

SEC. 3. This act shall take effect immediately.

CHAPTER 448.

An act to amend section four hundred and ninety-nine of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred and ninety-nine of the Civil Code is hereby amended to read as follows:

499. Two or more lines of street railway, operated under different managements, may by lease or contract, use the same street or tracks upon such terms as may have been agreed upon between the companies operating such railways; and two lines of street railway operated under different managements may be permitted to use the same street or tracks for a distance of five blocks without such lease or contract, upon payment of an equal portion for the construction of the tracks and appurtenances used by such railways jointly; but in no case shall a company owning or operating one line of street railway be permitted to condemn the right to occupy and use the same street or tracks for a distance of more than five blocks consecutively. Where such portion of such street shall be occupied by a track or tracks of a different gauge from the track or tracks proposed to be constructed thereon by a line of street railway under a different management, such last mentioned line of street railway may nevertheless construct its track or tracks, subject to the limitation before prescribed, over the same ground as may be occupied by such prior track or tracks, provided the same can be so constructed as not to interfere with the operation of such prior track or tracks beyond such necessary interference therewith as shall be incident to such construction with reasonable skill, care and diligence.

Two or more corporations may use the same track.

SEC. 2. This act shall take effect immediately.

CHAPTER 449.

An act to amend sections eleven hundred and three and eleven hundred and four of the Code of Civil Procedure, both relating to writs of prohibition.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Where and when writ issued.

1103. It may be issued by any court except police or justices' courts, to an inferior tribunal or to a corporation, board, or person, in all cases where there is not a plain, speedy, and adequate remedy in the ordinary course of law. It is issued upon the verified petition of the person beneficially interested.

SEC. 2. Section eleven hundred and four of said code is hereby amended to read as follows:

Writ must be either alternative or peremptory.

1104. The writ must be either alternative or peremptory. The alternative writ must command the party to whom it is directed to desist or refrain from further proceedings in the action or matter specified therein, until the further order of the court from which it is issued, and to show cause before such court, at a specified time and place, why such party should not be absolutely restrained from any further proceedings in such action or matter. The peremptory writ must be in a similar form, except that the words requiring the party to show cause why he should not be absolutely restrained, etc., must be omitted, and a return day inserted.

CHAPTER 450.

An act amending an act entitled "An act to provide for the appointment of a board of Sutter's Fort trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection and improvement of said property," approved March 7, 1891.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sutter's Fort Trustees.

SECTION 1. Section 2 of an act entitled "An act to provide for the appointment of a board of Sutter's Fort trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection and improvement of said property," approved March 7, 1891, is hereby amended to read as follows:

Section 2. The said board of Sutter's Fort trustees are hereby authorized to receive and accept from the Sutter's Fort committee of the grand parlor of the Native Sons of the Golden West, a corporation, without cost to the state, the possession of and the title to the site and grounds known as the Sutter's Fort property, and which is particularly described as those two certain blocks of land bounded by K and L, Twenty-sixth and Twenty-eighth streets, in the city of Sacramento, county of Sacramento, State of California. Said board of trustees are also hereby empowered to exchange with the city of Sacramento, upon such terms as to them may be deemed proper and just, any land on the south or west side of said fort for the purpose of providing more suitable boundaries of said Sutter's Fort, the conveyance thus exchanging said lands shall be signed and executed by the board of Sutter's Fort trustees and by them duly acknowledged, so as to entitle the same to be recorded, and when so executed, shall convey title to the land thus exchanged.

Authority
to accept
title to site.

May
exchange
certain
lands.

CHAPTER 451.

An act to dissolve Protection District No. 2, of Yuba county, California, and providing for the liquidation and winding up of said dissolved district.

[Approved March 21, 1907.]

The people of the State of California, represented in the senate and assembly, do enact as follows:

SECTION 1. Protection District No. 2, of Yuba county, California, is hereby dissolved. *Provided* that said Protection District No. 2 shall pay all legal outstanding indebtedness that it owes, if any, and may cause assessments to be levied for such purpose, and may sell any levees and other works of protection belonging to said district to any reclamation district now formed, or which may hereafter be formed, embracing the lands within said district, and may use the proceeds received from such sale for the purpose of paying such indebtedness; and shall divide the excess of such proceeds among the owners of land within the said district, in the same proportion as the last assessment levied upon the lands of said district.

Dissolu-
tion of
Protection
District
No. 2
of Yuba
county.

SEC. 2. All acts, and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

CHAPTER 452.

An act to authorize the settlement of an existing controversy between the United States of America and State of California, and making an appropriation to carry out the provisions of said act.

[Approved March 21, 1907.]

Preamble. WHEREAS, The federal government claims that certain mistakes have been made in the past wherein and whereby the State of California has received and there has been listed to the state, 40,000 acres or thereabouts of the public domain in excess of the just amount of lands that the State of California was entitled to under the grant in lieu of 16th and 36th sections and that the State of California should restore to the United States an area equal to such excess listings to be taken from the 16th and 36th sections within forest reservations; and

WHEREAS, The state maintains that such claim is barred by the provisions of the act of congress of March 1, 1877, found in volume 19, of the United States Statutes, page 267, confirming the title of the state to selections listed prior thereto, and also by the act of congress of March 3, 1891, found in volume 26 of the United States Statutes, page 1095, limiting the time within which the United States can begin suits to vacate and annul patents:

Now therefore,

The people of the State of California, represented in senate and assembly, do enact as follows:

State
surveyor-
general
authorized
to stipulate
that ques-
tion be
submitted
to U. S.
attorney-
general.

SECTION 1. The surveyor-general of the State of California is hereby authorized, on or before July 1, 1907, to enter into a stipulation with the secretary of the interior of the United States of America which shall provide that the question as to whether or not the United States is now entitled under the laws of the United States to claim anything of the State of California by virtue of such previous listings, shall be submitted to the attorney-general of the United States for his opinion, and if the opinion of that official is rendered in favor of the contention of the State of California, that then and in that event such opinion shall be final, and shall be binding upon the United States of America.

Proceed-
ings in case
attorney-
general's
opinion be
adverse to
California.

SEC. 2. If, on the other hand, the opinion of the attorney-general of the United States shall be adverse to the contention of the State of California, either in whole or in part, then and in that event the surveyor-general of the State of California is hereby empowered to make a report of the facts concerning said controversy to the governor of the State of California and to the attorney-general of the State of California, and present with such report a copy of the opinion of the attorney-general of the United

States; thereafter the surveyor-general of the State of California and the governor of the State of California and the attorney-general of the State of California are authorized and directed to make such examination of the law and the facts as will enable them to determine whether the opinion of the attorney-general of the United States is well founded in whole or in part; if they find that the opinion of the attorney-general of the United States is well founded in whole or in part, then the surveyor-general, as register of the state land office, shall prepare a patent in the name of the State of California in favor of the United States of America to such portion of the 16th and 36th sections contained in the San Jacinto Forest Reserve as will equal in area the number of acres so ascertained and determined to have been unlawfully listed, and said patent shall be executed by the same officers and in the same manner as other patents are executed, and the register of the state land office shall record said patent in his office, and thereafter shall cause the same to be delivered to the secretary of the interior at Washington, in the District of Columbia.

SEC. 3. Until such controversy is determined in whole or in part, all of the provisions of Chapter 1, Title 8, Part 3 of the Political Code are hereby suspended as to all of the lands embraced in the San Jacinto Forest Reserve for which application to purchase has not been accepted and filed prior to February 14, 1907.

Sale of certain lands suspended.

In the event that the said opinion of the attorney-general of the United States is rendered in favor of the contention of the State of California, or if the secretary of the interior shall fail, on or before July 1, 1907, to enter into the stipulation mentioned in section one of this act, or if in the opinion of the governor and attorney-general and surveyor-general of this state the claim of the United States is not well founded, either in whole or in part, then this section shall immediately cease to be operative. In the event that the opinion of the attorney-general of the United States is unfavorable to the contention of the State of California, either in whole or in part, and said controversy is thereafter considered by the state officials as herein set forth, and any patent is thereafter executed conveying to the United States of America certain lands, then all the provisions of this section shall cease to be operative when said patent is recorded in the office of the register of the state land office.

Proceedings in event opinion is in favor of California.

SEC. 4. Before the surveyor-general as register of the state land office, delivers to the United States of America any patent as herein provided, he shall enter into such stipulations with the secretary of the interior as may be necessary and proper to obtain a ruling from that officer upon all state selections, heretofore made and now pending in the office of the commissioner of the general land office, for lands in lieu of the 16th and 36th sections.

Duty of surveyor-general.

SEC. 5. For the purpose of carrying out the provisions of this statute the sum of \$5,000.00 is hereby appropriated out of any money in the state treasury not otherwise appropriated,

Appropriation.

and the state controller is hereby authorized to draw his warrant therefor, and the state treasurer is hereby authorized and directed to pay said warrant.

SEC. 6. This act shall take effect immediately.

CHAPTER 453.

An act to amend the Civil Code, by adding thereto a new section to be numbered 290a, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby added to the Civil Code a new section to be numbered two hundred and ninety a, to read as follows:

Minimum
capital
required
to be
paid in.

290a. Before the secretary of state issues to any corporation, authorized in its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depository or trustee, there must be filed in his office the affidavit of the persons named in said articles as the first directors of the corporation, that at least one hundred thousand dollars of the capital stock, has actually been subscribed, and paid in to a person named in such affidavit, for the benefit of the corporation.

SEC. 2. This act shall take effect immediately.

CHAPTER 454.

An act to add a new article to Chapter I of Title VIII of Part III of the Political Code, to be known as Article IIa, relating to the sale of lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new article is hereby added to Chapter I of Title VIII of Part III of the Political Code, to be known as Article IIa, and to read as follows:

ARTICLE II*a*.

SALE OF LANDS UNCOVERED BY THE RECESSION OR DRAINAGE OF WATERS OF INLAND LAKES, AND UNSEGREGATED SWAMP AND OVERFLOWED LANDS.

- Section 3493*m*. Application.
 3493*n*. Duties of surveyor-general.
 3493*o*. Approval of application.
 3493*p*. Price of lands and disposition of moneys.
 3493*q*. Reclamation.
 3493*r*. Contests.
 3493*s*. Validating certificates of purchase and patents.
 3493*t*. Validating plats and surveys.

3493*m*. Any person desiring to purchase any of the lands uncovered by the recession or drainage of the waters of inland lakes, and inuring to the state by virtue of her sovereignty, or the swamp and overflowed lands not segregated by the United States, must make an application therefor to the surveyor-general of the state, which application must be accompanied by the applicant's affidavit that he is a citizen of the United States, or has declared his intention to become such, a resident of this state, of lawful age, that he desires to purchase such lands (describing them by legal subdivisions, or by metes and bounds, if the legal subdivisions are unknown), under the provisions of this article, for his own use and benefit, and for the use and benefit of no other person whomsoever, and that he has made no contract or agreement to sell the same, and that he does not own any state lands which, together with that now sought to be purchased, exceeds six hundred and forty acres.

Application to purchase, where made and what to contain.

3493*n*. Upon the filing of such application, when the land has not been sectionized, the surveyor-general must authorize the county surveyor of the county where the whole or the greater portion of the land lies, to survey the same. He must make an actual survey thereof, at the expense of the applicant, establishing four corners to each quarter section, and connecting the same with a United States survey; and within thirty days, file with the surveyor-general a copy, under oath, of his field notes and plat, and a statement under oath, showing whether or not the land is occupied by any actual settler. If the surveyor thus authorized fails to make his return to the surveyor-general within the time specified, he may designate another person to make the survey.

Surveyor-general to cause survey to be made

3493*o*. No application to purchase land under this article must be approved until the expiration of ninety days from the filing thereof, and meanwhile the land is subject to the adverse claim of any actual settler who resided thereon when the said application was filed.

Approval of application.

3493*p*. The lands designated in this article must be sold at the price of two dollars and fifty cents per acre, and on the terms and manner of payment provided for swamp and overflowed lands. All moneys received for such lands must be paid into the swamp land fund of the county in which

Price of lands.
Disposition of moneys.

the lands are situated, and must be treated and disposed of in the same manner as moneys arising from the sale of segregated swamp and overflowed lands, and all moneys heretofore received for the sale of such lands, and remaining in the treasury, are subject to the same provisions of law. If any of the lands described in this article are suitable for cultivation without reclamation, they must be sold only to actual settlers in tracts not exceeding one hundred and sixty acres.

Reclamation.

3493g. Any of the lands designated in this article which, by reason of periodical overflow, need, and are susceptible of, reclamation, may be reclaimed by the formation of districts, in the same manner and subject to all of the provisions of law regulating the reclamation of swamp and overflowed lands. The board of supervisors of the county in which the lands, or the greater part thereof, are situated, must first determine, upon proper petition presented therefor by the holders of the title, or evidence of title, representing one half or more of any body of such land, that such reclamation is necessary and feasible.

Contests.

3493r. When land has been sold under this article, no contest can be maintained against the purchaser on the ground that the land is not of the character stated in the application, unless it is shown that it is not of the character recited in section thirty-four hundred and ninety-three *m*.

Validating certificates of purchase and patents.

3493s. All unanceled certificates of purchase and patents heretofore issued, and payments heretofore made for any lands as swamp and overflowed lands, which belong to any of the classes described in section thirty-four hundred and ninety-three *m*, whether or not such lands were segregated or sectionized, are for all purposes valid, and have the same force and effect as if such lands had been at all times subject to sale as swamp and overflowed lands. Any and all contests now existing between settlers and holders of certificates of purchase are not affected by the provisions of this article.

Validating plats.

3493l. All plats of any of the lands described in section thirty-four hundred and ninety-three *m*, which have been heretofore made under authority of the United States surveyor-general, and which plats designate the same as swamp and overflowed land, must be deemed valid and effectual as surveys of such lands from and after the date thereof.

CHAPTER 455.

An act to amend the Civil Code of the State of California by adding thereto a new section to be known and designated as section 995 relating to the sale and transfer of hops, and the amount to be deducted as tare.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Civil Code of the State of California is hereby amended by adding thereto a new section to be known and designated as section 995, to read as follows:

995. There shall be allowed on baled hops a tare at the rate of two per centum of the weight of the bale for the cloth and other material used in baling; that is, the tare shall be at the rate of two pounds per hundred on the weight of the bale.

"Tare" on
baled hops.

CHAPTER 456.

An act to amend section 597b of the Penal Code, relating to cruelty to animals.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 597b of the Penal Code is hereby amended to read as follows:

597b. Any person who, for amusement or gain, causes any bull, bear, cock, dog, or other animal to fight with like kind or different kind of animal or creature, or with any human being; or who, for amusement or gain, worries or injures any such bull, bear, cock, dog or other animal, or causes any such bull, bear, cock, dog or other animal to worry or injure each other; and any person who permits the same to be done on any premises under his charge or control; and any person who aids, abets, or is present at such fighting or worrying of such animal or creature, as a spectator, is guilty of a misdemeanor.

Fighting
animals.

CHAPTER 457.

An act to authorize the district court of appeal for the second district to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Second district court of appeal, rooms for.

SECTION 1. The justices of the district court of appeal for the second district are hereby authorized to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and the presiding justice of said district court of appeal is hereby authorized to enter into any contract or lease with reference thereto, approved by the three justices of said court, and the expenses thereof, certified by said three justices to be correct, shall be paid out of the state treasury; for which expenses a sufficient sum shall be annually appropriated out of any funds in the state treasury not otherwise appropriated.

SEC. 2. This act shall take effect from and after July 1, 1907.

CHAPTER 458.

An act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Distribution of charts, etc., by state board of health.

SECTION 1. It shall be the duty of the state board of health to publish, procure and distribute free to the people of the State of California printed matter, charts, or pictures showing the prevalence of tuberculosis, the danger of infection therefrom, and the means of prevention and cure.

Appropriation.

SEC. 2. The sum of two thousand dollars is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, for the purpose of this act, and the state controller is hereby directed to draw his warrant in favor of the state board of health for sums aggregating that amount, the claims having been audited by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 459.

An act to amend section No. 266 of the Political Code of California relating to mileage of members of the legislature.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Section 266 of the Political Code is hereby amended to read as follows:

266. Members of the legislature shall receive eight dollars per diem and mileage of members of legislature. per diem and mileage of members of legislature. and ten cents per mile for each mile of travel to and from their residences and the place of holding the session. During sessions of the legislature members thereof traveling on the business of either house shall receive for any trip or trips authorized by either house an amount equal to their actual expenses incurred on such trip or trips.

CHAPTER 460.

An act making an appropriation of five thousand dollars, to be used by the board of trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of trustees of the Whittier State School are hereby authorized to appoint a parole officer whose duty it shall be to find suitable places for those who are ready to leave the school, visit and care for them during the period of probation, make such changes as may be necessary to secure the best employment of said inmates and to perform such other duties as may be required of him by the superintendent and board of trustees. Parole officer, Whittier State School.

SEC. 2. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for salary and traveling expenses of such parole officer. Appropriation.

SEC. 3. The salary of such parole officer shall be not to exceed one hundred and twenty-five dollars per month, and necessary traveling expenses, incurred in the discharge of his duties, as described in this act. All claims for traveling expenses shall be accompanied by an itemized bill. Salary of parole officer.

SEC. 4. Not more than fifty per cent of the appropriation shall be expended in any one year.

SEC. 5. This act shall take effect immediately.

CHAPTER 461.

An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States, over the public lands of this state.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Rights of way over public lands granted to United States.

SECTION 1. A right of way is hereby granted over the public lands of this state, and over any public land which may hereafter become the property of this state, to the United States, for all telegraph, telephone, power or light lines, roads, railroads, tramways, dikes, levees, dams, mounds, embankments, tunnels, ditches or canals, or other works, structures or excavations requiring rights of way built, erected, excavated or constructed under the provisions of the act of congress, approved June 17, 1902, relating to irrigation and reclamation.

Patents subject to.

SEC. 2. All patents or conveyances of such lands which may hereafter be located or filed on shall be issued subject to the rights of way herein provided for.

CHAPTER 462.

An act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Confirmation of deed to certain water right

SECTION 1. That certain deed of conveyance, of date January 27, 1906, executed by the Southern California State Hospital, represented by its board of managers, to the Bear Valley Mutual Water Company, a corporation, conveying a certain water right (being the right to receive water from the Bear Valley system to the extent of a quantity of water known and designated as an aggregate of three thousand and twenty inches of water during each irrigating season, upon and subject to the payment of certain rentals or charges for the delivery of such water), in consideration of the issuance to said South-

ern California State Hospital of nine hundred and nineteen shares of the capital stock of said Bear Valley Mutual Water Company, is hereby ratified and confirmed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 463.

An act appropriating money to be expended by and under the direction of the department of engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the state, and in improving the navigability of such streams.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one hundred and twenty-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be paid to the department of engineering, to be expended for rectifying and improving the channels of the Sacramento, San Joaquin and Feather rivers, and such other river channels of the state as the department of engineering may determine, and to improve the navigability of said streams; *provided, however,* that before any expenditure shall be made or contracts awarded by said board, the work to be done shall be approved by the proper officers of the government of the United States having charge of river work in California.

Appropriation to improve navigability of streams.

SEC. 2. All expenditures hereunder for labor, materials, machinery, or in payment, in whole or in part, of any contract, shall, before being paid, be audited by the state board of examiners as provided by law.

Auditing of claims.

SEC. 3. Of the sum of money herein appropriated one half thereof shall become available on the 1st day of July, 1907, and the other half thereof on the first day of July, 1908.

When money available.

SEC. 4. This act shall take effect immediately from and after its passage.

CHAPTER 464.

An act to amend section 6 of an act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this state from overflow or damage from the waters of any unnavigable stream, water course, canyon or wash extending by, through or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way and other property by purchase, gift or condemnation, and for extending, straightening, locating, improving and maintaining the channels of such streams, water courses, canyons or washes, and confining said waters in said channels and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907.

[Approved March 21, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 6 of the above-entitled act is hereby amended to read as follows:

Who
entitled to
vote at
elections
held
under act.

Section 6. No person shall be entitled to vote at any election held under the provisions of this act unless he possesses all the qualifications required of electors under the general election laws of the state, *provided however* that any person who is an actual and bona fide owner of one or more acres of land located and situated in said district shall have the right to vote at any election held hereunder, whether he be a resident of said district or not.

CHAPTER 465.

An act to amend section seven of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said court and fix the compensation of certain officers thereof," approved March 5th, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer and providing for their appointment.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Police
courts in
cities of
first and
one half
class.

SECTION 1. Section seven of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said court and fix the compensation of certain officers thereof," approved March 21st, 1901, is hereby amended to read as follows:

Section 7. Said police court shall have a prosecuting attorney and three assistant prosecuting attorneys and one stenographer, all of whom shall be appointed by the district attorney of the county in which said city is situated. Said prosecuting attorney shall receive an annual salary of twenty-seven hundred and fifty dollars, which shall be paid in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by him; and said three assistant prosecuting attorneys shall receive an annual salary of twenty-four hundred dollars each, which shall be paid in equal monthly installments out of the treasury of said city, which salaries shall be in full compensation for all services rendered by them; and said stenographer shall receive an annual salary of twelve hundred dollars, which shall be paid in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. It shall be the duty of said prosecuting attorney and said assistant prosecuting attorneys to attend the sessions of said police court and conduct on behalf of the people, all prosecutions for public offenses, both misdemeanors and felonies, of which said court has jurisdiction; except criminal cases arising upon violation of the provisions of the city charter or ordinances, which shall be prosecuted by said prosecuting attorney and assistants when requested by the city attorney of said city, who may depute said prosecutors for such purposes.

Officers of court.

Salary of prosecuting attorney.

Salaries of assistants.

Salary of stenographer.

Duty of prosecuting attorney.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 466.

An act to amend section 2713 of the Political Code relating to construction and repair of bridges to be let out by contract.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2713 of the Political Code is hereby amended so as to read as follows:

2713. No bridge, the cost of construction or repair of which will exceed the sum of two hundred dollars, must be constructed or repaired except on the order of the board of supervisors. When ordered to be constructed or repaired, the contract therefor may in their discretion, be let out, and if let, it must be after reasonable notice given by the board of supervisors, by publication at least once a week for two weeks in a county newspaper; and if no paper is published in said county, then by three posted notices, one at the court-house, one at the point to be bridged, and one at some other neighboring place in the county. All bids shall be sealed; they shall be opened at the time specified in the notice, and the contract awarded to the

Construction and repair of bridges.

Emergency
work.

lowest responsible bidder. The board may, however, reject any and all bids. The contract and bond for its performance must be entered into and approved by the board of supervisors; except, however, in cases of great emergency, by the unanimous consent of the whole board they may proceed at once to replace or repair any and all structures, of whatever nature, without notice. Bridges crossing the line between counties must be constructed by the counties into which such bridges reach, and each of the counties into which any such bridge reaches shall pay such portion of the cost of such bridge as shall have been previously agreed upon by the boards of supervisors of said counties; *provided*, that where such bridge or bridges, crossing the line between counties, shall reach within the limits of an incorporated town, or city, or city and county, the provisions of this section shall apply.

SEC. 2. This act shall take effect immediately.

CHAPTER 467.

An act to prevent the adulteration of paints, oils, varnishes and pigments.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Adultera-
tion of
paints pro-
hibited.

SECTION 1. No person shall within this state manufacture for sale, offer for sale or sell any article, mixture, compound or substance, used in making paints, oils, varnishes or pigments, which is adulterated within the meaning of this act.

What
shall be
deemed
adulter-
ated.

SEC. 2. Any article shall be deemed adulterated within the meaning of this act:

1. In case of oils, turpentine, alcohol or other vehicles:

(a) If it contains any other substance or substances, ingredient or ingredients, different from the article under the name of which it is offered for sale or sold;

(b) If any substance has been mixed with it so as to lower, depreciate or injuriously affect the quality, strength or purity of the article;

(c) If any inferior or cheaper substance or substances have been substituted wholly or in part for it;

(d) If it is an imitation, or is sold under the name of any other article.

2. In case of lead, zinc, ocher or other metal, mineral or chemical paints, or any or other pigments in paste form and labeled pure, used in the painting or decorating industry:

(a) If any substance which lowers, depreciates or injuriously affects the quality, strength or purity of the article has been mixed with it, or substituted wholly or in part for it;

(b) If it is an imitation of any other article.

SEC. 3. Every person who adulterates or dilutes any article mentioned in this act and sells or offers for sale the same so diluted or adulterated, as undiluted and unadulterated, and every person who sells or offers for sale a different article without informing the purchaser of such difference, and every person who violates any of the provisions of this act is guilty of a misdemeanor. Misde-
meanor.

CHAPTER 468.

An act to amend section 2959 of the Civil Code by providing for recording mortgages of personal property by persons who do not reside in this state.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2959 of the Civil Code is hereby amended so as to read as follows:

2959. A mortgage of personal property must be recorded in the office of the county recorder of the county in which the mortgagor resides, if the mortgagor be a resident of this state, and it shall also be recorded in the county in which the property mortgaged is situated, or to which it may be removed. Mortgage
of personal
property,
where
recorded.

SEC. 2. This act shall take effect immediately.

CHAPTER 469.

An act to amend section six hundred and eight of the Penal Code, and to add three new sections thereto to be numbered six hundred and eight a and six hundred and eight b, and six hundred and eight c, all relating to the burning, injuring or setting adrift rafts or vessels.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

608. Every person who willfully and maliciously burns, injures, or destroys any pile or raft of wood, plank, boards, or other lumber, or any part thereof, or cuts loose or sets adrift any such raft or part thereof, the property of another, is guilty of a misdemeanor. Burning or
injuring
rafts.

Sec. 2. A new section is hereby added to said code, to be numbered six hundred and eight *a* and to read as follows:

Setting
vessels
adrift.

608a. Every person who willfully and maliciously cuts, breaks, injures, sinks, or sets adrift any vessel of less than ten gross tons, the property of another, is guilty of a misdemeanor.

Sec. 3. A new section is hereby added to said code, to be numbered six hundred and eight *b* and to read as follows:

Injuring
vessels.

608b. Every person who willfully and maliciously cuts, breaks, or injures any vessel of ten gross tons and upwards, the property of another, is guilty of a misdemeanor.

Sec. 4. A new section is hereby added to said code to be numbered 608*c*, and to read as follows:

Sinking
vessels a
felony.

608c. Every person who willfully and maliciously sinks or sets adrift any vessel of ten gross tons and upwards, the property of another, is guilty of a felony.

CHAPTER 470.

An act to amend section three hundred and twenty-four of the Civil Code, relating to the transfer of stock in corporations.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred and twenty-four of the Civil Code is hereby amended to read as follows:

Transfer
of shares of
stock.

324. Whenever the capital stock of any corporation is divided into shares, and certificates therefor are issued, such shares of stock, except as hereinafter provided, are personal property, and may be transferred by indorsement by signature of the proprietor, his agent, attorney, or legal representative, and the delivery of the certificate; but such transfer is not valid, except as to the parties thereto, until the same is so entered upon the books of the corporation as to show the names of the parties by whom and to whom transferred, the number of the certificate, the number or designation of the shares, and the date of the transfer; *provided, however,* that any corporation organized for, or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes or for domestic use, may in its by-laws provide that water shall only be so sold, distributed, supplied, or delivered to owners of its capital stock, and that such stock shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate shall be so issued, and a certified copy of such by-law recorded in the office of the county recorder in the county where such lands are situated, the shares of stock so located on any land

Certain
stock
appurtenant
to land.

shall only be transferred with said lands, and shall pass as an appurtenance thereto. Whenever any officer of any corporation shall refuse to make entries upon the books thereof, or to transfer stock therein, or to issue a certificate or certificates therefor to the transferee as provided by this and the next preceding section, such officer shall be subject to a penalty of four hundred dollars, to be recovered as liquidated damages, in an action brought against him by the person aggrieved.

Refusal to enter transfers, penalty.

CHAPTER 471.

An act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid on the order of the board of managers of the state hospital for the purpose of erecting a cottage for the accommodation of patients upon the lands of the Mendocino State Hospital for the care and treatment of acute cases of insanity.

Cottage for Mendocino State Hospital, appropriation.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. In calling for bids and awarding the contracts under this act, said board of managers may, if in their judgment such action would be for the best interests of the state, disregard the provisions of section 3 of the act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings" approved March 26th, 1876, as amended March 20th, 1905, in so far as the section relates to a call for separate bids and to the award of separate contracts for the furnishing of materials and the performance of work thereunder.

Exempt from contract law.

SEC. 4. This act shall take effect July 1st, 1907.

CHAPTER 472.

An act to amend an act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, number 9, relating to furnishing the series of school text-books published by this state, to institutions in this state, conducted for the support and maintenance of minor orphans, half orphans and abandoned children, and to appropriate money for the purchase of said text-books.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

School
text-books
for institu-
tions for
orphans.

SECTION 9. There shall be furnished to each institution in this state, conducted for the support and maintenance of minor orphans, half orphans and abandoned children the series of school text-books published by the State of California, as hereinafter provided.

Requisi-
tions for.

The principal or manager of said institution shall file duplicate requisitions, or blank forms prescribed by the state superintendent of public instruction giving the number, kind and cost, delivered at the institution of the series of school text-books needed for the various grades of children in the institution.

Duty of
superin-
tendent of
public in-
struction.

On receipt of the requisitions properly filled out and sworn to by the principal or manager of said institution, the state superintendent of public instruction may approve or disapprove the same, if approved he shall cause to be delivered to the institution named in the requisition, after said requisition shall be allowed by the state board of examiners, and receipt by the state superintendent of public instruction of the state controller's warrant for the same.

The state superintendent of public instruction shall keep one of the requisitions on file in his office, and immediately deliver the other requisition to the state board of examiners which shall be considered a claim against the state.

Appropria-
tion.

The sum of ten thousand dollars per annum or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase of said text-books; *provided* that any money not used at the end of each fiscal year shall be placed in the general fund.

The controller is hereby authorized and directed to draw his warrant in favor of the state superintendent of public instruction for the payment of the text-book requisitions.

The state treasurer is hereby authorized and directed to pay the warrants.

This act shall take effect immediately.

CHAPTER 473.

An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution of and punishment for offenses under the same.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the state board of prison directors annually not later than the fifteenth day of January, of each year, to fix the price and to give public notice of the same, at which jute goods shall be sold by the state, which price so fixed, shall not be more than one cent per bag in excess of the net cost of producing the same exclusive of prison labor. And it shall be the duty of the said board of prison directors, and they are hereby authorized to adopt a trademark and file with the secretary of the state their claim for the same, and procure a certificate thereof, under the provisions of Article III, Chapter VII, Title VII, of the Political Code of the State of California; and it shall be the duty of the board of prison directors to print, stencil or stamp on each and every bag manufactured by the state, said trademark.

Jute goods,
when price
to be fixed.

Adoption
of trade-
mark.

SEC. 2. The state board of prison directors shall prescribe the rules and conditions on which the said goods shall be sold, and until the fifteenth day of May of each year shall sell the same only to consumers of bags, but no order before said date for any one consumer shall be valid for more than three thousand grain bags. If any bags remain unsold after the fifteenth day of May of each year, the state board of prison directors may sell the same, at the price already fixed by the state board of prison directors to consumers, and in such quantities and under such rules and upon such conditions as they may deem best for the interest of the state, up to the fifteenth day of October of each year. It shall be an express condition of each and every sale made by the state board of prison directors, to which the purchaser shall agree in writing that he will under no circumstances sell or offer for sale any such goods or bags at a greater price than that fixed as in this act provided. And any person or persons, company or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred and fifty dollars and not more than one thousand dollars; or shall be imprisoned in the county jail not less than ninety days nor more than one year.

Sale of
goods.

Conditions
of sale.

SEC. 3. All orders for jute goods filed with the board of prison directors prior to the fifteenth day of May of each year, must be accompanied by an affidavit setting forth the name, residence, postoffice address and occupation of the applicant; that the amount of goods contained in the order are for

Affidavit of
purchaser.

the applicant's individual and personal use, and that he has not contracted for or agreed to contract for the sale of any portion thereof to any person or persons whatsoever. Said affidavit to be subscribed and sworn to before a notary public, or justice of the peace residing in the township in which the applicant resides; *provided*, that any applicant who shall falsely and fraudulently procure jute bags under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than two hundred dollars.

Record
of manu-
facture
and sale.

SEC. 4. It shall be the duty of the board of prison directors to keep a book for public inspection in which shall be entered the total number of jute bags or jute goods manufactured each year; and also the name of each purchaser, his postoffice address, his business or occupation, the number of jute bags or jute goods by him purchased, and the price paid therefor, the date of sale and shipment, and the point or place to which the shipment is made.

Prior act
repealed.

SEC. 5. The act entitled "An act fixing the price and conditions of sale at which jute goods shall be sold by the state," approved February 27th, 1893; and also an act entitled "An act to amend an act entitled 'An act fixing the price and conditions of sale at which jute goods shall be sold by the state,' approved February 27th, 1903," approved March 20th, 1905, are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER 474.

An act to add a new section to the Code of Civil Procedure of the State of California to be known as section twelve hundred and three a relating to liens.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California to be numbered twelve hundred and three a, and to read as follows:

Mistakes
or errors in
statement
not to
invalidate
lien.

1203a. No mistakes or errors in the statement of the demand, or of the amount of credits and offsets allowed, or of the balance asserted to be due to claimant, nor in the description of the property against which the claim is filed, shall invalidate the lien, unless the court finds that such mistake or error in the statement of the demand, credits and offsets, or of the balance due, was made with the intent to defraud, or the court shall find that the innocent third party, without notice, direct or constructive, has since the claim was filed, become the bona fide owner of the property liened upon, and that the notice of claim was so deficient that it did not put the party upon further inquiry in any manner.

CHAPTER 475.

An act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years:

Appropriations for support of state government.

FOR LEGISLATIVE DEPARTMENT.

For per diem and mileage of lieutenant-governor and senators, twenty-one thousand five hundred dollars.

Legislative department.

For per diem and mileage of assemblymen, forty-two thousand dollars.

For pay of officers and clerks of the senate, twenty-one thousand dollars.

For pay of officers and clerks of the assembly, twenty-eight thousand dollars.

For contingent expenses of the senate, forty-five thousand dollars.

For contingent expenses of the assembly, fifty-two thousand dollars.

FOR JUDICIAL DEPARTMENT.

For salaries of justices of supreme court, one hundred and twelve thousand dollars.

Judicial department.

For salaries of justices of district courts of appeal, one hundred and twenty-six thousand dollars.

For state's portion of salaries of judges of superior courts, three hundred and ninety-five thousand five hundred dollars.

For salary of clerk of supreme court, six thousand dollars.

For salary of chief deputy clerk of supreme court, forty-eight hundred dollars.

For salaries of five deputy clerks of supreme court, eighteen thousand dollars.

For salary of stenographer of clerk of supreme court, two thousand dollars.

For salary of reporter of decisions of supreme court, and district courts of appeal, five thousand dollars.

For salary of one assistant reporter of decisions of supreme court and district courts of appeal, forty-eight hundred dollars.

For salaries of two assistant reporters of decisions of supreme court and district courts of appeal, forty-eight hundred dollars.

For salaries of three clerks of district courts of appeal, fourteen thousand four hundred dollars.

For salaries of three deputy clerks of district courts of appeal, ten thousand eight hundred dollars.

For salaries of two secretaries of supreme court, nine thousand six hundred dollars.

For salary of librarian, supreme court library, three thousand dollars.

For salaries of two bailiffs and performing the work of porters of supreme court, six thousand dollars.

For salaries of three bailiffs and performing the work of porters of district courts of appeal, seven thousand two hundred dollars.

For pay of porter for office of clerk of supreme court at Sacramento, fourteen hundred and forty dollars.

For postage and contingent expenses of clerk of supreme court, twenty-five hundred dollars.

For postage and contingent expenses of clerks of district courts of appeal, one third to each, three thousand dollars.

For postage and contingent expenses of supreme court, two hundred and fifty dollars.

For postage and contingent expenses of district courts of appeal, one third to each, seven hundred and fifty dollars.

For expenses of supreme court, under section forty-seven, Code of Civil Procedure, fifty thousand eight hundred dollars.

For salary of two phonographic reporters of supreme court, ten thousand eight hundred dollars.

For salaries of phonographic reporters of district courts of appeal, ten thousand eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to clerk of supreme court, two thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to clerks of district courts of appeal (one third to each), three thousand dollars.

FOR EXECUTIVE DEPARTMENT.

Executive
depart-
ment.

For salary of governor, twelve thousand dollars.

For salary of private secretary to governor, eight thousand dollars.

For salary of executive secretary to governor, five thousand two hundred dollars.

For salary of stenographer to governor, three thousand two hundred dollars.

For pay of messenger to governor, two thousand four hundred dollars.

For special contingent expenses (secret service), governor's office, exempt from provisions of sections 433 and 672 of Political Code, ten thousand dollars.

For postage, expressage, telegraphing, traveling and contingent expenses, governor's office, five thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the

executive department, one thousand two hundred and fifty dollars.

For support of governor's residence, six thousand seven hundred dollars.

For payment of rewards offered by the governor, one thousand five hundred dollars.

For payment of rewards offered by the governor, illegal voting, five hundred dollars.

For payment of rewards for arrest and conviction of highway robbers, two thousand dollars.

For arresting criminals without the state, ten thousand dollars.

FOR STATE BOARD OF EXAMINERS.

For salary of secretary to board of examiners, six thousand dollars. State board of examiners.

For salary of assistant secretary to board of examiners, four thousand eight hundred dollars.

For salaries of four clerks, state board of examiners, twelve thousand eight hundred dollars.

For salary of expert to board of examiners, four thousand eight hundred dollars.

For pay of porter, board of examiners, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, state board of examiners, nine hundred dollars.

For traveling expenses of state board of examiners, two thousand two hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state board of examiners, five hundred dollars.

For purchase from the federal government of photo-lithographs, copies of topographical sheets gotten out under state and government coöperation, to be sold at cost by the state, four thousand dollars.

FOR SECRETARY OF STATE'S OFFICE.

For salary of secretary of state, six thousand dollars. Secretary of state.

For salary of deputy secretary of state, five thousand four hundred dollars.

For salary of bookkeeper, secretary of state's office, four thousand eight hundred dollars.

For salary of statistician of secretary of state's office, four thousand dollars.

For salary of keeper of archives, secretary of state's office, four thousand dollars.

For salaries of clerks, secretary of state's office, sixteen thousand dollars.

For salary of janitor, state capitol, four thousand dollars.

For salary of clerk to janitor, secretary of state's office, three thousand two hundred dollars.

For pay of porter, secretary of state's office, one thousand four hundred and forty dollars.

For postage, expressage, and telegraphing, secretary of state's office, exempt from section four of this act, five thousand dollars.

For contingent and traveling expenses, secretary of state's office, five hundred dollars.

For salaries of two special clerks, secretary of state's office, under sections 415 and 420, Political Code, to be expended during the sixtieth fiscal year, seven hundred and fifty dollars.

For purchase of ballot paper, eight thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished, by the state printing office to the secretary of state, twelve thousand dollars. Exempt from section 4 of this act.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the secretary of state, to be used for the purpose of printing and distributing constitutional amendments, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the secretary of state to be used for the compiling and publication of blue book, exempt from section four of this act, twelve thousand one hundred dollars.

For salaries, seals, badges, postage, for the automobile department connected with the secretary of state's office, six thousand eight hundred dollars.

Item
vetoed.

For salaries, postage, etc., corporation license department, connected with the secretary of state's office, twenty-nine thousand dollars.

For repairs to capitol building and furniture, exempt from section 4 of this act, five thousand dollars.

For purchase of carpets and furniture, exempt from section 4 of this act, twelve thousand dollars.

FOR STATE CAPITOL BUILDING AND GROUNDS.

Capitol
and
grounds.

For pay of employes of state capitol building and grounds, fifty-five thousand two hundred and twenty dollars.

For salaries of policemen, capitol grounds, seven thousand two hundred dollars.

For salary of elevator attendant, engineer and fireman, serving during the session of legislature, to be used during the sixtieth fiscal year, eight hundred and seventy dollars.

For stationery, fuel, light, supplies, etc., legislature and state offices, twenty-five thousand dollars.

For water for state capitol building, twelve hundred dollars.

For water for state capitol grounds, twenty-four hundred dollars.

For lighting the capitol grounds, one thousand seven hundred and twenty-eight dollars.

For purchase of implements and hose, care and improvement of grounds, exempt from section four of this act, twelve thousand dollars.

FOR CONTROLLER'S OFFICE.

For salary of controller, six thousand dollars.

Controller.

For salary of deputy controller, five thousand four hundred dollars.

For salary of bookkeeper, state controller's office, four thousand dollars.

For salary of expert, state controller's office, four thousand dollars.

For salaries of five clerks, state controller's office, sixteen thousand dollars.

For pay of porter, state controller's office, one thousand four hundred and forty dollars.

For postage, expressage, and telegraphing, state controller's office, one thousand six hundred dollars.

For contingent and traveling expenses, state controller, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the controller, four thousand dollars.

FOR TREASURER'S OFFICE.

For salary of state treasurer, six thousand dollars.

Treasurer.

For salary of deputy state treasurer, five thousand four hundred dollars.

For salary of bookkeeper, state treasurer's office, four thousand eight hundred dollars.

For salary of clerk, state treasurer's office, three thousand two hundred dollars.

For salaries of four watchmen, state treasurer's office, nine thousand six hundred dollars.

For pay of porter, state treasurer's office, one thousand four hundred and forty dollars.

For postage, expressage, telegraphing, contingent and traveling expenses, state treasurer, eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the treasurer, fourteen hundred dollars.

FOR ATTORNEY-GENERAL'S OFFICE.

For salary of attorney-general, six thousand dollars.

Attorney-general.

For salary of assistant attorney-general, five thousand four hundred dollars.

For salaries of three deputies attorney-general, fourteen thousand four hundred dollars.

For salaries of three clerks, attorney-general's office, nine thousand six hundred dollars.

For salaries of phonographic reporter, attorney-general's office, three thousand six hundred dollars.

For pay of porter, attorney-general's office at Sacramento, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, attorney-general's office, three thousand four hundred dollars.

For traveling expenses, attorney-general, one thousand dollars.

For costs and expenses of suits, wherein the state is a party in interest, four thousand dollars.

For office rent of attorney-general in San Francisco, four thousand two hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the attorney-general, six thousand dollars.

For purchase of law books, one thousand dollars.

FOR SURVEYOR-GENERAL'S OFFICE.

Surveyor-general. For salary of surveyor-general, six thousand dollars.

For salary of deputy surveyor-general, five thousand four hundred dollars.

For salary of assistant surveyor-general, four thousand dollars.

For salaries of four clerks, surveyor-general's office and register state land office, twelve thousand eight hundred dollars.

For pay of porter, surveyor-general's office, nine hundred and sixty dollars.

For postage, expressage and telegraphing, surveyor-general's office, twelve hundred dollars.

For contingent and traveling expenses, surveyor-general's office, five hundred dollars.

For purchase of and copying maps and records, surveyor-general's office, forty-eight hundred dollars.

Item vetoed. For indexing and compiling maps and records of state tide lands commission, four thousand dollars.

For printing, binding, ruling, and all other work performed, and materials furnished by the state printing office to the surveyor-general, one thousand dollars.

For traveling expenses of surveyor-general and attorney-general when engaged in contests between the state and the United States, and other state business in relation to land, five hundred dollars.

FOR OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

Superintendent of public instruction. For salary of superintendent of public instruction, six thousand dollars.

For salary of deputy superintendent of public instruction, forty-eight hundred dollars.

For salary of statistician, superintendent of public instruction's office, four thousand dollars.

For salary of clerk and stenographer, superintendent of public instruction's office, three thousand two hundred dollars.

For salary of text-book clerk, three thousand two hundred dollars.

For clerical assistance in superintendent of public instruction's office in distributing state school books, four hundred dollars.

For pay of porter, superintendent of public instruction's office, one thousand four hundred and forty dollars.

For postage, expressage, and telegraphing, superintendent of public instruction's office, two thousand six hundred dollars.

For contingent and traveling expenses (including expenses under section 1532, Political Code), three thousand six hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office, to the superintendent of public instruction, twelve thousand dollars.

FOR MILITARY PURPOSES.

For salary of adjutant-general, six thousand dollars.

For salary of assistant adjutant-general, four thousand eight hundred dollars. Adjutant-general.

For salary of chief clerk, three thousand six hundred dollars.

For salary of three clerks, nine thousand six hundred dollars.

For salary of stenographer, two thousand four hundred dollars.

For salary of armorer and porter, two thousand four hundred dollars.

For postage, expressage and telegraphing, adjutant-general's office, one thousand six hundred dollars.

For care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant-general, five thousand dollars.

For target practice and purchase of medals, national guard, twenty thousand dollars. National guard.

For allowance for brigade headquarters, national guard, six thousand nine hundred and sixty dollars.

For allowance for regimental headquarters, including allowance for bands, national guard, fifteen thousand two hundred and forty dollars.

For armory rents and other expenses of the national guard, two hundred and six thousand five hundred dollars.

For armory rents, unattached companies, national guard, one thousand dollars.

For traveling expenses and per diem of officers on detail duty, national guard, six thousand dollars.

For hospital supplies, national guard, one thousand dollars.

For furnishing coal and other supplies, and for repairs to training ships, naval militia, three thousand dollars.

For purchase of uniforms and equipments, national guard, exempt from section four of this act, twenty thousand dollars.

For court-martial and miscellaneous expenses, two thousand five hundred dollars.

For encampments, national guard, exempt from section four of this act, twenty thousand dollars.

For allowance to surgeon-general, six hundred dollars.

For allowance for officers, under the provisions of section 2078, Political Code, twelve thousand nine hundred dollars.

For printing, binding, ruling, and other work performed and materials furnished by the state printing office to the adjutant-general, six thousand dollars.

FOR STATE LIBRARY.

State
library.

For salary of state librarian, six thousand dollars.

For salary of two deputy state librarians, seven thousand two hundred dollars.

FOR STATE PRINTING OFFICE.

Superin-
tendent of
state
printing.

For salary of superintendent of state printing, six thousand dollars.

For salary deputy state superintendent of printing, four thousand eight hundred dollars.

For salary of copy editor of printer, three thousand six hundred dollars.

For postage, traveling, telegraphing, and contingent expenses, one thousand two hundred dollars.

For lithographing, engraving, and half-tone plates, and zincotypes and work of like character, state printing office, two thousand five hundred dollars.

For insurance of state printing office and contents, three thousand two hundred and fifty dollars, exempt from section four of this act.

For legislative printing, 38th session, two thousand dollars.

For printing, binding, ruling, and all other work performed by the state printing office to the state printer, seven hundred dollars.

FOR STATE BOARD OF HEALTH.

State
board of
health.

For salary of secretary to the state board of health, six thousand dollars.

For salary of attorney to state and San Francisco boards of health, six thousand dollars.

For traveling and contingent expenses of state board of health, five thousand dollars.

For printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to the state board of health, three thousand dollars.

Statistician, three thousand six hundred dollars.

For bacteriological laboratory, four thousand dollars.

FOR OFFICE OF INSURANCE COMMISSIONER.

Insurance
com-
missioner.

For salary of insurance commissioner, eight thousand dollars.

For salary of deputy insurance commissioner, five thousand four hundred dollars.

FOR BOARD OF RAILROAD COMMISSIONERS.

For salaries of railroad commissioners, twenty-four thousand dollars. Railroad
commis-
sioners.

For salary of secretary to board of railroad commissioners, four thousand eight hundred dollars.

For salary of bailiff to board of railroad commissioners, two thousand four hundred dollars.

For salary of stenographer to board of railroad commissioners, one thousand eight hundred dollars.

For office rent, board of railroad commissioners, one thousand two hundred dollars.

For fuel, lights, postage, expressage and incidental expenses, board of railroad commissioners, one thousand dollars.

For traveling expenses, etc., board of railroad commissioners, seven hundred dollars.

For printing, binding, ruling, and all other work performed, and materials furnished by the state printing office to board of railroad commissioners, five hundred dollars.

FOR STATE BOARD OF EQUALIZATION.

For salaries of members of the state board of equalization, twenty-four thousand dollars. State
board
of equal-
ization.

For salary of clerk, state board of equalization, four thousand eight hundred dollars.

For pay of porter, state board of equalization, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, state board of equalization, one thousand dollars.

For traveling and contingent clerical expenses, as provided by section 3702 of the Political Code, ten thousand dollars. Item
vetoed.

For printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to the state board of equalization, one thousand five hundred dollars.

FOR COMMISSIONER FOR REVISION AND REFORM OF THE LAW.

For salary of commissioner for revision and reform of the law, seven thousand two hundred dollars. Commis-
sioner for
revision
and reform
of the law.

For salary of stenographer to commissioner for revision and reform of law, two thousand four hundred dollars.

For postage, expressage, telegraphing, stationery and contingent expenses, office of commissioner for revision and reform of law, three hundred and seventy-five dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office, except the printing of the index of the laws from 1850 to 1907, inclusive, one thousand two hundred and fifty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office (or any outside printing-house to which authority may be given under the provisions of any act making provision therefor) in the

printing of the index of the laws from 1850 to 1907, inclusive, for the commissioner for the revision and reform of law, five thousand dollars.

FOR STATE BOARD OF FORESTRY.

Board of forestry.

For salary of state forester, four thousand eight hundred dollars.

For salaries of two assistant foresters, four thousand eight hundred dollars.

For support of state board of forestry, including field and traveling expenses, ten thousand dollars.

For printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to the state board of forestry, two thousand five hundred dollars.

FOR CALIFORNIA REDWOOD PARK.

Redwood park.

For improvement and maintenance, ten thousand dollars.

For printing, binding, ruling, etc., one hundred dollars.

FOR DEPARTMENT OF ENGINEERING.

Department of engineering.

For salary of the state engineer, department of engineering, nine thousand six hundred dollars.

For salary of the state architect, department of engineering, eight thousand dollars.

For salary of the two assistant state engineers, department of engineering, twelve thousand dollars.

For salary of the three draughtsmen, department of engineering, twelve thousand dollars.

For salary of the secretary and stenographer, department of engineering, three thousand six hundred dollars.

For salary of the porter, department of engineering, nine hundred and sixty dollars.

For contingent and traveling expenses, department of engineering, ten thousand dollars.

For improvements and maintenance of Mono Lake Basin road, two thousand five hundred dollars.

For improvement and maintenance of Sonora and Mono road, twelve thousand dollars.

For improvement and maintenance of Lake Tahoe wagon road, ten thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the department of engineering, one thousand five hundred dollars.

FOR STATE MINING BUREAU.

Mining bureau.

For salary of state mineralogist, six thousand dollars.

For the support of the mining bureau, including salaries, forty thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state mining bureau, five thousand dollars.

FOR STATE BOARD OF CHARITIES AND CORRECTIONS.

For salaries and expenses (act March 25, 1903) twelve thousand dollars. Board of charities and corrections.

FOR STATE HOSPITALS FOR INSANE.

For support of Stockton State Hospital, two hundred and eighty thousand one hundred and forty dollars. State hospitals.

For salaries of officers and employés of same, two hundred and forty-five thousand one hundred and thirty dollars. Stockton.

For support of Napa State Hospital, two hundred and sixty-four thousand nine hundred and forty dollars. Napa.

For salaries of officers and employés of same, two hundred and forty-one thousand and twelve dollars.

For support of Agnews State Hospital, one hundred and thirty-nine thousand four hundred dollars. Agnews.

For salaries of officers and employés of same, one hundred and fifty-five thousand dollars.

For support of Mendocino State Hospital, one hundred and thirty-eight thousand three hundred dollars. Men-
doctino.

For salaries of officers and employés of same, one hundred and twenty-two thousand five hundred and thirty-seven dollars.

For support of Southern California State Hospital, one hundred and ninety-eight thousand and fifty dollars. Southern California.

For salaries of officers and employés of same, one hundred and fifty-nine thousand five hundred and ninety-five dollars.

For support of Home for Feeble-Minded Children, one hundred and fifty-two thousand four hundred dollars. Feeble-Minded Children.

For salaries of officers and employés of same, one hundred and thirty-one thousand eight hundred and eighty-seven dollars.

For salaries and contingent expenses of state lunacy commission, thirty-three thousand six hundred dollars. Lunacy commission.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state lunacy commission, fifty-five hundred dollars.

For support of Institution for Deaf, Dumb and Blind at Berkeley, forty-three thousand dollars. Deaf, Dumb and Blind.

For salaries of officers and employés of same, ninety-two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office, Institution for Deaf, Dumb and Blind, six hundred dollars.

For support of Home for Adult Blind, thirty thousand dollars. Adult Blind.

For salaries of officers and employés of same, twenty-five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the Home for Adult Blind, six hundred dollars.

FOR STATE PRISONS AND REFORM SCHOOLS.

State
prisons.

For support of State Prison at San Quentin, four hundred and twenty thousand three hundred and fifty dollars.

San
Quentin.

For salaries of officers and employés of same, two hundred and seven thousand nine hundred and twenty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the State Prison at San Quentin, two thousand five hundred dollars.

Folsom.

For support of State Prison at Folsom one hundred and seventy-five thousand dollars.

For salaries of officers and employés of same, one hundred and fifty-six thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printer to the State Prison at Folsom, two thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state board of prison directors, five hundred dollars.

For support of Folsom State Hospital, sixtieth fiscal year, eight thousand dollars.

For salaries and wages, Folsom State Hospital, sixtieth fiscal year, ten thousand dollars.

Preston
School of
Industry.

For support of Preston School of Industry, seventy-three thousand and ten dollars.

For salaries of officers and employés of same, sixty-five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the Preston School of Industry, two hundred and fifty dollars.

Whittier
State
School.

For support of Whittier State School, one hundred and fifteen thousand dollars.

For salaries of officers and employés of same, one hundred thousand dollars.

For printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to Whittier State School, two hundred and fifty dollars.

Transportation
of
prisoners,
etc.

For transportation of prisoners to state prisons and children committed to the Whittier State School and Preston School of Industry and insane, and feeble-minded children, one hundred and forty thousand dollars

UNIVERSITY OF CALIFORNIA.

University
of
California.

For support and maintenance of University of California (act of March 15, 1901), two hundred thousand dollars.

For maintenance of poultry stations, four thousand dollars.

For support and maintenance of experimental and pathological station (act of March 18, 1905), thirty-five thousand dollars.

For maintenance of a department of music (act of March 22, 1905), six thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the State University, six thousand dollars.

STATE NORMAL SCHOOLS.

For support of State Normal School at San José, ten thousand dollars. Normal schools.

For salaries of officers, teachers, and employé's of same, one hundred thousand dollars. San José.

For care and improvement of grounds, four thousand dollars.

For library, museum, and purchase of scientific apparatus, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the State Normal School at San José, nine hundred dollars.

For support of State Normal School at Los Angeles, ten thousand dollars. Los Angeles.

For salaries of officers, teachers, and employé's of same, ninety-six thousand dollars.

For care and improvement of grounds, two thousand dollars.

For library, museum and purchase of scientific apparatus, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the State Normal School at Los Angeles, nine hundred dollars.

For support of State Normal School at Chico, fifty-five hundred dollars. Chico.

For salaries of officers, teachers and employé's of same, sixty-five thousand dollars.

For care and improvement of grounds, two thousand dollars.

For library, museum, and purchase of scientific apparatus, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to State Normal School at Chico, nine hundred dollars.

For support of State Normal School at San Diego, six thousand dollars. San Diego.

For salaries of officers, teachers and employé's of same, sixty-one thousand four hundred and sixty dollars.

For library, museum, and scientific apparatus for same, two thousand dollars.

For care and improvement of grounds of same, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the State Normal School at San Diego, nine hundred dollars.

For support of State Normal School at San Francisco, six thousand dollars. San Francisco.

For salaries of officers, teachers, and employé's of same, fifty-two thousand dollars.

For library, museum, and scientific apparatus for same, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the State Normal School at San Francisco, nine hundred dollars.

FOR CALIFORNIA POLYTECHNIC SCHOOL.

Polytechnic school.

For support and maintenance, including purchase of stock and equipment for farm and laboratories, twenty-five thousand dollars.

For salaries of officers, teachers and employes, fifty-two thousand dollars.

For care and improvement of grounds, six thousand dollars.

For library, one thousand dollars.

For expenses of trustees, eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished, by the state printing office, to California Polytechnic School, seven hundred and fifty dollars.

FOR BUREAU OF LABOR STATISTICS.

Bureau of labor statistics.

For salary of the commissioner, bureau of labor statistics, six thousand dollars.

For salary of the deputy commissioner, bureau of labor statistics, three thousand six hundred dollars.

For office rent, bureau of labor statistics, twelve hundred dollars.

For salary of assistants, traveling, and contingent expenses, bureau of labor statistics, (Stats. 1889, page 7,) nine thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the bureau of labor statistics, three thousand dollars.

FOR STATE COMMISSIONER OF HORTICULTURE.

Commissioner of horticulture.

For salary of commissioner, six thousand dollars.

For salary of deputy commissioner, forty-eight hundred dollars.

For salary of secretary, four thousand two hundred dollars.

For support and expense of the state board of horticulture, fifteen thousand dollars.

For printing, binding, ruling, and all other work and materials furnished by the state printing office to state board of horticulture, five thousand dollars.

FOR FISH COMMISSION.

Fish commission.

For restoration and preservation of game, twenty thousand dollars.

For restoration and preservation of fish, twenty thousand dollars:

For support and maintenance of state hatcheries, forty thousand dollars.

For printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to the fish commission, one thousand dollars.

FOR STATE DAIRY BUREAU.

For support of state dairy bureau (act of 1897), ten thousand dollars. Dairy bureau.

STATE BOARD OF EDUCATION.

For traveling expenses of state board of education, fifteen hundred dollars. Board of education.

For printing, binding, ruling, and all other work performed and materials furnished state board of education, one hundred dollars.

FOR VETERANS' HOME.

For support and maintenance under act of March 18, 1905, page 191, one hundred and fifty thousand dollars. Veterans' Home

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the Veterans' Home, two hundred and fifty dollars.

FOR STATE AGRICULTURAL SOCIETY.

For aid to state agricultural society; *provided*, that the state agricultural society create, and maintain a statistical department for the annual collection, compilation and distribution of statistics relating to the products and resources of the state, thirty thousand dollars. Agricultural society.

For traveling expenses of the directors of the state agricultural society, one thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office, to the state agricultural society, six thousand dollars.

STATE VETERINARIAN.

For salary of state veterinarian, six thousand dollars.

For salary of assistant, thirty-six hundred dollars.

For salary of clerk, twenty-four hundred dollars.

For traveling and contingent expenses of state veterinarian and assistant, three thousand six hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state veterinarian, two hundred dollars. Veterinarian.

MISCELLANEOUS.

For official advertising, two thousand dollars. Advertising.

For traveling expenses joint board of normal school directors, fifteen hundred dollars. Normal school directors.

For salary of guardian Marshall monument and grounds, twelve hundred dollars. Marshall monument.

For salary of guardian of Sutter's Fort, one thousand four hundred and forty dollars. Sutter's Fort.

For payment of interest on one hundred thousand dollars, to Hastings College of the Law, fourteen thousand dollars. Interest.

For pure wine labels, three hundred dollars. Wine labels.

For care of state burial grounds, two hundred dollars. Burial grounds.

- Harbor
commiss-
sion, San
Diego. For printing, binding, ruling and all other work performed and materials furnished by the state printing office to harbor commissioner, San Diego, one hundred dollars.
- Orphans. For orphans, half orphans and abandoned children, nine hundred and fifty thousand dollars.
- Criminal
identifica-
tion. For salary of director of state bureau of criminal identification, three thousand six hundred dollars.
- Item
vetoed. For support of the state bureau of criminal identification, six thousand dollars.
- Mineral
exhibit. For the restoration of the exhibit of minerals at the Crocker Art Gallery, two hundred dollars.
- Printing,
duty of
state
board of
examiners. The various sums herein appropriated for printing, ruling, binding, materials and all other work provided by law to be done in the state printing office shall be expended only upon requisitions to be approved by the state board of examiners, and said board is authorized and given power to reduce the amount of such requisitions either in whole or in any item thereof.
- Printing,
various
officers. For printing, binding, ruling and all other work performed and materials furnished by the state printing office to various officers, boards and commissions to be expended under the direction of the state board of examiners, four thousand dollars.
- How
disbursed. SEC. 2. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections two thousand and eighty-three and two thousand and eighty-five of the Political Code. Not more than five hundred dollars of the moneys hereby appropriated for the support of the institutions of the state shall be used 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 employes, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.
- Statement
to be sub-
mitted
with
biennial
report. SEC. 3. All persons having demands against the state, the various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of examiners 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. 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 for any purpose whatsoever appropriated by this act, unless authorized thereto by law.

SEC. 4. Not more than one twenty-fourth part of the amount appropriated under this act for each department or institution for the two years ending June thirtieth, nineteen hundred and nine, shall be expended during any one month without the consent of the state board of examiners, and not more than one half of such appropriation during the fifty-ninth fiscal year, unless the same has been expressly authorized by this act.

Monthly allow-
ances.

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 examiners 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 examiners, nor paid out of any state appropriations; *provided*, that any member of any such department, board, commissions, or institutions, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of examiners, 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.

Expendi-
tures in
excess of
approp-
riation.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of, any insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing office and its contents and the pavilion of the state agricultural society.

Insurance.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 23, 1907.

This bill, being Assembly Bill No. 975, entitled "An act making appropriations for the support of the government of the State of California, for the fifty-ninth and sixtieth fiscal years," is approved with the exception of the following items, to which I object, and the following are my objections thereto, and the reasons therefor, to wit:

Veto
message.

OBJECTION 1. I object to the item on page 862, "For salaries, postage, etc., corporation license department, connected with the secretary of state's office, twenty-nine thousand dollars." for the reason that a special act has been signed by me, appropriating forty thousand dollars to main-

tain the corporation license department, which special appropriation is ample to meet all the necessary expenses of said department.

OBJECTION 2. I object to the item on page 864, "For indexing and compiling maps and records of state tide lands commission, four thousand dollars," for the reason that the work contemplated is not of sufficient importance and of such amount to warrant such an expenditure, and for the further reason that the office of the surveyor-general is sufficiently supplied with funds and clerical force to complete this work without additional provision therefor.

OBJECTION 3. I object to the item on page 867, "For traveling and contingent clerical expenses, as provided by section 3702 of the Political Code, ten thousand dollars," for the reason that this appropriation clause is in conflict with said section of the code, as it has been amended by the legislature and signed by me in a previous act, providing for a continuing appropriation of twelve thousand dollars.

OBJECTION 4. I object to the item on page 874, "For support of the state bureau of criminal identification, six thousand dollars," for the reason that the statute of 1905, creating this bureau, provides that the necessary expenses of said bureau are "to be paid for pro rata out of the current expense funds of the penal institutions under the control of such prison directors." Such funds at the disposal of the prison directors are sufficient to meet the necessary expenses of said bureau for the coming biennial period, and this additional appropriation therefor is at this time unnecessary.

J. N. GILLETT, Governor.

CHAPTER 476.

An act to amend sections one, two and three of an act entitled "An act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to prevent propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, is hereby amended so as to read as follows:

Unlawful to permit noxious weeds to mature.

Section 1. It shall be unlawful for any person owning, controlling, leasing, or possessing land in the State of California to knowingly permit that certain grass known as Sorghum halepense, otherwise known as Johnson grass, Cnicus arvensis, otherwise known as Canadian thistle, Salsoli kali, otherwise known as Russian thistle, and Onopordon acanthium, otherwise known as Scotch thistle, and Cnicus lanceolatus, otherwise known as bull thistle, to mature and disseminate its seed on land so owned, leased or possessed by such person.

SEC. 2. Section 2 of an act entitled "An act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, is hereby amended so as to read as follows:

Section 2. It shall be unlawful for any person knowingly to sow or disseminate or cause to be sown or disseminated, any seed of *Sorghum halepense*, otherwise known as Johnson grass, *Cnicus arvensis*, otherwise known as Canadian thistle, *Salsol kali*, otherwise known as Russian thistle, and *Onopordon acanthium*, otherwise known as Scotch thistle, and *Cnicus lanceolatus*, otherwise known as bull thistle, upon any land owned or possessed by another.

Seed must not be sown on lands.

SEC. 3. Section 3 of an act entitled "An act to prevent the propagation by the production of seed, of that certain plant known as *Sorghum halepense*, otherwise known as Johnson grass," approved March 20, 1903, is hereby amended so as to read as follows:

Section 3. It shall be unlawful for any person to knowingly sow, disseminate, or cause or permit to be disseminated any seed of *Sorghum halepense*, otherwise known as Johnson grass, *Cnicus arvensis*, otherwise known as Canadian thistle, *Salsol kali*, otherwise known as Russian thistle, and *Onopordon acanthium*, otherwise known as Scotch thistle, and *Cnicus lanceolatus*, otherwise known as bull thistle, over or along any roadway, highway, or right of way for ditch purposes, adjacent to premises owned or possessed by him.

Same, as to roadways and ditches.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER 477.

An act to amend section three thousand seven hundred and thirteen of the Political Code, relating to the levy of taxes.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

3713. The state board of equalization must, for state purposes for the fifty-ninth and sixtieth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property in this state as, after allowing five per cent for delinquencies in and costs of collection of taxes as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the fifty-ninth fiscal year:

Levy of state taxes.

First—For the general fund, four million and thirty thousand dollars.

Fifty-ninth fiscal year.

Second—For the school fund three million eighty-six thousand four hundred and nineteen dollars.

Third—For the high school fund three hundred and twenty thousand nine hundred and twenty-five dollars.

Fourth—For the interest and sinking fund, one hundred fifty-one thousand four hundred and thirty-five dollars.

Sixtieth
fiscal year.

And for the sixtieth fiscal year:

First—For the general fund, three million six hundred and thirty thousand dollars.

Second—For the school fund, three million eighty-six thousand four hundred and nineteen dollars.

Third—For the high school fund, three hundred and twenty thousand nine hundred and twenty-five dollars.

Fourth—For the interest and sinking fund, one hundred fifty-one thousand four hundred and thirty-five dollars.

CHAPTER 478.

An act to amend sections eight hundred and thirty-two, eight hundred and thirty-six, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty-five, eight hundred and sixty-six, eight hundred and sixty-seven, eight hundred and eighty-seven, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-five, nine hundred and five, and nine hundred and six of the Code of Civil Procedure, and to repeal section eight hundred and thirty-seven thereof, all relating to civil actions in justices' courts.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

832. Actions in justices' courts must be commenced, and, subject to the right to change the place of trial, as in this chapter provided, must be tried:

Actions,
where
must be
com-
menced.

1. If there is no justices' court for the township or city in which the defendant resides—in any city or township of the county he resides;

2. When two or more persons are jointly, or jointly and severally, bound in any debt or contract, or otherwise jointly liable in the same action, and reside in different townships or different cities of the same county, or in different counties—in the township or city in which any of the persons liable may reside;

3. In cases of injury to the person or property—in the township or city where the injury was committed, or where the defendant resides;

4. If for the recovery of personal property, or the value thereof, or damages for taking or detaining the same—in the

township or city in which the property may be found, or in which the property was taken, or in which the defendant resides;

5. When the defendant is a non-resident of the county—in any township or city wherein he may be found;

6. When the defendant is a non-resident of the state—in any township or city in the state;

7. When a person has contracted to perform an obligation at a particular place, and resides in another county, township, or city—in the township or city in which such obligation is to be performed, or in which he resides; and the township or city in which the obligation is incurred is deemed to be the township or city in which it is to be performed, unless there is a special contract in writing to the contrary;

8. When the parties voluntarily appear and plead without summons—in any township or city in the state;

9. In all other cases—in the township or city in which the defendant resides.

SEC. 2. Section eight hundred and thirty-six of said code is hereby amended to read as follows:

836. After an order has been made, transferring the action for trial to another court, the following proceedings must be had:

Change of
place of
trial, pro-
ceedings.

1. The justice ordering the transfer must immediately transmit to the justice of the court to which it is transferred, on payment by the party applying of all the costs that have accrued, all the papers in the action, together with a certified transcript from his docket of the proceedings therein;

2. Upon the receipt by him of such papers, the justice to whom the case is transferred has thereafter the same jurisdiction over the action as though it had been commenced in his court.

SEC. 3. Section eight hundred and thirty-seven of said code is hereby repealed.

Sec. 837
repealed.

SEC. 4. Section eight hundred and forty-five of said code is hereby amended to read as follows:

845. The time specified in the summons for the appearance of the defendant must be as follows:

Appear-
ance of
defendant,
time for

1. If an order of arrest is indorsed upon the summons, forthwith;

2. In all other cases, within five days, if the summons is served in the city and county, township, or city, in which the action is brought; within ten days, if served out of the township or city, but in the county in which the action is brought; and within twenty days, if served elsewhere.

SEC. 5. Section eight hundred and forty-eight of said code is hereby amended to read as follows:

848. The summons can not be served out of the county wherein the action is brought, except in the following cases:

Summons,
limita-
tions on
service of.

1. When the action is upon the joint contract or obligation of two or more persons, one of whom resides within the county;

2. When the action is brought against a party who has con-

tracted in writing to perform an obligation at a particular place, and resides in a different county, in which case the summons may be served in the county where he resides;

3. When the action is for injury to person or property, and the defendant resides in a different county, in which case summons may be served in the county wherein he may be found;

4. In all cases where the defendant was a resident of the county when the action was brought, and thereafter departed therefrom, in which event he may be served wherever he may be found;

5. In actions of forcible entry and detainer, or to enforce and foreclose liens on, or to recover possession of, personal property situate within the county.

SEC. 7. Section eight hundred and fifty-five of said code is hereby amended to read as follows:

Answer,
what to
contain.

855. The answer may contain a denial of any or all of the material facts stated in the complaint, which the defendant believes to be untrue, and also a statement, in a plain and direct manner, of any other facts constituting a defense or counterclaim, upon which an action might be brought by the defendant against the plaintiff, or his assignor, in a justice's court.

SEC. 8. Section eight hundred and sixty-six of said code is hereby amended to read as follows:

Writ
of attach-
ment,
when to be
issued.

866. A writ to attach the property of the defendant must be issued by the justice at the time of, or after, issuing summons, on receiving an affidavit by or on behalf of the plaintiff, showing the same facts as are required to be shown by the affidavit specified in section five hundred and thirty-eight.

SEC. 9. Section eight hundred and sixty-seven of said code is hereby amended to read as follows:

Attach-
ment
undertak-
ing on.

867. Before issuing the writ, the justice must require a written undertaking on the part of the plaintiff, with two or more sufficient sureties, in a sum not less than fifty nor more than three hundred dollars, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking. At any time after the issuing of the attachment, but not later than five days after notice of its levy, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objections to them. When excepted to they must justify in the manner and within the time provided in section five hundred and thirty-nine, otherwise the justice must order the writ of attachment vacated.

Excep-
tions to
sureties.

SEC. 10. Section eight hundred and eighty-seven of said code is hereby amended to read as follows:

Complaint,
when
accom-
panying
instrument
deemed
genuine.

887. If the complaint of the plaintiff, or the answer of the defendant, contains a copy, or consists of the original of the written obligation upon which the action is brought or the defense founded, the genuineness and due execution of such

instrument are deemed admitted, unless the answer denying the same is verified, or unless the plaintiff, within two days after the service on him of such answer, files with the justice an affidavit denying the same, and serves a copy thereof on the defendant.

SEC. 11. Section eight hundred and ninety-two of said code is hereby amended to read as follows:

892. When the trial is by the court, judgment must be entered within ten days after the submission. Judgment, when entered.

SEC. 12. Section eight hundred and ninety-three of said code is hereby amended to read as follows:

893. The judgment of a justice of the peace must be entered substantially in the form required in section six hundred and sixty-seven, and where the defendant is subject to arrest and imprisonment thereon the fact must be stated in the judgment. No judgment shall have effect for any purpose until so entered. Judgment, form of required.

SEC. 13. Section eight hundred and ninety-five of said code is hereby amended to read as follows:

895. If the defendant, at any time before the trial, offers, in writing, to allow judgment to be taken against him for a specified sum, the plaintiff may immediately have judgment therefor, with the costs then accrued; but if he does not accept such offer before the trial, and fails to recover in the action a sum in excess of the offer, he can not recover costs incurred after the offer, but costs must be adjudged against him, and, if he recovers, be deducted from his recovery. The offer and failure to accept it can not be given in evidence nor affect the recovery, otherwise than as to costs. Offer to compromise before trial.

SEC. 14. Section nine hundred and five of said code is hereby amended to read as follows:

905. The sections of this code, from seven hundred and fourteen to seven hundred and twenty-one, both inclusive, are applicable to justices' courts, the word "constable" being substituted, to that end, for the word "sheriff," whenever the writ is directed to a constable, and the word "justice" for "judge." If the judgment debtor does not reside in the county wherein the judgment was entered, an abstract of the judgment, in the form prescribed by section eight hundred and ninety-seven, may be filed in the office of the justice of any town, township, or city wherein the defendant resides, and such justice may issue execution on such judgment, and may take and exercise such jurisdiction in proceedings supplemental to execution, as if such judgment were originally entered in his court. Proceedings supplementary to execution.

SEC. 15. Section nine hundred and six of said code is hereby amended to read as follows:

906. A justice may punish as for contempt, persons guilty of the following acts, and no other: Contempts, what justice may punish for.

1. Disorderly, contemptuous, or insolent behavior toward the justice while holding court, tending to interrupt the due course of a trial or other judicial proceeding;
2. A breach of the peace, boisterous conduct, or violent dis-

turbance in the presence of the justice, or in the immediate vicinity of the court held by him, tending to interrupt the due course of a trial or other judicial proceeding;

3. Disobedience or resistance to the execution of a lawful order or process, made or issued by him;

4. Disobedience to a subpoena duly served, or refusing to be sworn or to answer as a witness;

5. Rescuing any person or property in the custody of an officer by virtue of an order or process of the court held by him;

6. Any of the acts specified in subdivisions four, eight, or eleven, of section twelve hundred and nine.

CHAPTER 479.

An act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 690 of the Code of Civil Procedure is hereby amended so as to read as follows:

690. The following property is exempt from execution or attachment, except as herein otherwise specially provided:

What
property
exempt
from
execution.

1. Chairs, tables, desks and books, to the value of two hundred dollars belonging to the judgment debtor;

2. Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one sewing-machine, stove, stove-pipes and furniture, wearing apparel, beds, bedding and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family, and family portraits and their necessary frames, provisions and fuel actually provided for individual or family use, sufficient for three months, and three cows and their suckling calves, four hogs with their suckling pigs, and food for such cows and hogs for one month; also one piano, one shotgun and one rifle;

3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; also two oxen or two horses or two mules, and their harness, one cart or buggy and two wagons, and food for such oxen, horses or mules, for one month; also all seed grain or vegetables actually provided, reserved or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars; and seventy-five beehives; one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business;

4. The tools or implements of a mechanic or artisan, necessary to carry on his trade; the notarial seal, records and office furniture of a notary public; the instruments and chest of a surgeon, physician, surveyor or dentist, necessary to the exercise of their profession, with their professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers and music teachers, and their necessary office furniture; including one safe and one typewriter; also the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps and office furniture of a searcher of records necessary to be used in his profession; also the typewriters or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also one bicycle when the same is used by the owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business;

What
property
exempt
from
execution.

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appliances necessary for carrying on any mining operation, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules or oxen with their harness, and food for such horses, mules or oxen for one month, when necessary to be used on any whim, windlass, derrick, car pump or hoisting gear; and also his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars;

6. Two horses, two oxen or two mules, and their harness, and one cart or wagon, one dray or truck, one coupé, one hack, or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster or other laborer habitually earns his living; and one horse with vehicle and harness or other equipments, used by a physician, surgeon, constable, or minister of the gospel, in the legitimate practice of his profession or business; with food for such oxen, horses or mules for one month;

7. One fishing boat and net, not exceeding the total value of five hundred dollars, the property of any fisherman, by the awful use of which he earns his livelihood;

8. Poultry not exceeding in value seventy-five dollars;

9. The wages and earnings of all seamen, seagoing fishermen and sealers, not exceeding three hundred dollars, regardless of where or when earned, and in addition to all other exemptions otherwise provided by any law;

10. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise, that such earnings are necessary for the use of his family, residing in this state, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family for the common necessities of life, or have been incurred at a time

What
property
exempt
from
execution.

when the debtor had no family residing in this state, supported in whole or in part by his labor, the one half of such earnings above mentioned is nevertheless subject to execution, garnishment or attachment to satisfy debts so incurred;

11. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars if the person holding the shares is not the owner of a homestead under the laws of this state;

12. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel;

13. All fire engines, hooks and ladders, with the carts, trucks and carriages, hose buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this state;

14. All arms, uniforms, and accoutrements required by law to be kept by any person, and also one gun, to be selected by the debtor;

15. All court-houses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers, and appurtenances belonging to the jail and public offices belonging and appertaining to any county of this state; and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state;

16. All material not exceeding one thousand dollars in value, purchased in good faith for use in the construction, alteration or repair of any building, mining claim or other improvement as long as in good faith the same is about to be applied to the construction, alteration or repair of such building, mining claim or other improvement;

17. All machinery, tools and implements, necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also the engines necessary for operating such machinery, implements, tools, etc., also all trucks necessary for the transportation of such machinery, tools, implements, engines, etc.; *provided* that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars;

18. All moneys, benefits, privileges, or immunities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars, and if they exceed that sum a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid;

19. Shares of stock in any building and loan association to the value of one thousand dollars;

20. All money received by any person, a resident of the state as a pension from the United States government, whether the same shall be in the actual possession of such pensioner, or deposited, loaned or invested by him.

No article, however, or species of property mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

SEC. 2. This act shall take effect from and after its approval.

CHAPTER 480.

An act to amend section two hundred (200) of an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, relating to exemptions from jury duty.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two hundred of an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, is hereby amended to read as follows:

200. *Who exempt from jury duty.* A person is exempt from liability to act as a juror if he be:

1. A judicial, civil, or military officer of the United States, or of this state;

2. A person holding a county, city and county, city, town or township office;

3. An attorney at law, or the clerk, secretary or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or druggist, actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, asylum, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employé, or operator of a telegraph or telephone company doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town, or village in this state, or an exempt member of a duly authorized fire company;

Jury duty,
who
exempt
from.

12. A superintendent, engineer, brakeman, motorman, or conductor on a railroad; or,

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year or a person drawn or summoned as a juror in any such court who has been discharged as a juror within a year as hereinafter provided; *provided, however*, that in counties having less than five thousand population the exemption provided by this subdivision shall not apply.

SEC. 2. This act shall take effect upon and after its passage.

CHAPTER 481.

An act to add a new section to the Political Code, to be numbered and known as section 757a, relating to the office hours of the clerk of the supreme court.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered 757a, and to read as follows:

Office
hours,
clerk of
supreme
court.

757a. The offices of the clerk of the supreme court shall be open for the transaction of business continuously from nine o'clock A. M. until five o'clock P. M., every day in the year, holidays and Saturdays excepted, and on Saturdays the same shall be so open from nine o'clock A. M. until 12:30 o'clock P. M.

CHAPTER 482.

An act to amend section two thousand nine hundred and fifty-five of the Civil Code of California relating to what personal property may be mortgaged, by adding two new subdivisions thereto, providing that saw milling machinery and outfits used therewith may be mortgaged.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

What
personal
property
may be
mortgaged.

2955. Mortgages may be made upon the following personal property, and none other:

1. Locomotives, engines and other rolling stock of a railroad.

2. Steamboat machinery, the machinery used by machinists, foundrymen, and mechanics. What personal property may be mortgaged.
3. Steam engines and boilers.
4. Mining machinery.
5. Printing presses and material; all type-setting machines, their material and accessories.
6. Professional libraries.
7. Instruments of surveyors, physicians and dentists.
8. Upholstery, furniture and household goods.
9. Oil paintings, pictures and works of art.
10. All growing crops, including grapes and fruit.
11. Vessels of more than five tons burden.
12. Instruments, negatives, furniture and fixtures of a photograph gallery.
13. The machinery, casks, pipes, tubes and utensils used in the manufacture or storage of wine, fruit, brandy, fruit syrup or sugar; also wines, fruit brandy, fruit syrup, or sugar, with the cooperage in which the same are contained.
14. Pianos and organs.
15. Iron and steel safes.
16. Cattle, horses, mules, swine, sheep, goats and turkeys and the increase thereof.
17. Harvesters, threshing outfits, hay presses, wagons, farming implements, and the equipments of a livery stable, including buggies, carriages, harness, robes.
18. Abstract systems, books, maps, papers, and slips of searchers of records.
19. Raisins and dried fruits, cured or in process of being cured. Also all boxes, fruit graders, drying trays and fruit ladders.
20. Bees and beehives, apiaries and apiary stock, including frames, combs and extractors, also honey at apiaries.
21. Machinery, tanks, stills, agitators, leachers, and apparatus used in producing and refining petroleum, asphaltum, fuel oils, lubricating oils and greases.
22. The bedroom furniture, carpets, tables, stoves, ranges, cooking utensils and all furniture and equipments usually found in a hotel.
23. All machinery used in the sawing and production of lumber, or the manufacture of lumber into lumber products, also wagons, logging trucks, donkey engines and cables, chains and stretchers, and all tools and appliances used in the manufacture of lumber.
24. All furniture, fixtures, bars and appurtenances of saloons.

CHAPTER 483.

An act to amend the Penal Code by adding thereto a new section, to be numbered 367b, to provide against the offense of hazing.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered 367b, and to read as follows:

Hazing
a mis-
demeanor.

367b. Whosoever being a student, or being a person in attendance at any public, private, parochial, or military school, college, or other educational institution, conspires to haze or engages in hazing or commit any act that injures, degrades or disgraces, or tends to injure, degrade, or disgrace any fellow student or person attending such institution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or imprisoned in the county jail not more than six months, or both.

CHAPTER 484.

An act to amend section 825 of the Penal Code of the State of California relating to the rights of attorneys to visit prisoners and providing a penalty for the refusal of officers to allow the same.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 825 of the Penal Code of the State of California is hereby amended to read as follows:

Right of
attorney to
visit
prisoner.

825. The defendant must in all cases be taken before the magistrate without unnecessary delay, and after such arrest, any attorney at law entitled to practice in the courts of record of California, may at the request of the prisoner or any relative of such prisoner, visit the person so arrested. Any officer having charge of the prisoner so arrested who willfully refuses or neglects to allow such attorney to visit a prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow an attorney to visit the prisoner when proper application is made therefor shall forfeit and pay to the party aggrieved the sum of five hundred dollars, to be recovered by action in any court of competent jurisdiction.

SEC. 2. This act shall take effect immediately.

CHAPTER 485.

An act to add a new section to the Penal Code of the State of California to be known as section eight hundred and ten, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be known as section eight hundred and ten, to read as follows:

810. If the information or other pleading in any criminal action now pending, or which may be hereafter commenced, has heretofore been lost or destroyed, or shall hereafter be lost or destroyed, the court must upon the application of the attorney-general, district attorney, or the defendant, order a copy of the information or other pleading to be filed and substituted for the original, and when filed and substituted, as provided in this section, it shall have the same force and effect as if it were the original information or other pleading.

Information, when lost, copy may be filed.

SEC. 2. This act shall take effect immediately.

CHAPTER 486.

An act to repeal section 444 of the Civil Code, relating to investments by certain life, health and accident insurance corporations.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 444 of the Civil Code is hereby repealed.

SEC. 2. This act shall take effect immediately.

Sec. 444, Civil Code, repealed.

CHAPTER 487.

An act to amend an act entitled "An act to repeal section 427 of the act entitled 'An act to establish a Civil Code of the State of California,' approved March 21st, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 421 of the Civil Code of the State of California is hereby amended to read as follows:

Insurance corporations, how capital may be invested.

421. Companies organized under the laws of this state for the transaction of business in any kind of insurance, may invest their capital and accumulations in the following named securities:

1. In the purchase of, or loans upon interest-bearing bonds of the United States government.

2. In the purchase of, or loans upon interest-bearing bonds of any of the states of the United States, not in default for interest on such bonds.

3. In the purchase of, or loans upon interest-bearing bonds of any of the counties and incorporated cities and towns and duly organized school districts of any state or territory of the United States not in default for interest on such bonds.

4. In loans upon unincumbered real property, no loan to exceed sixty per cent of the market value of any piece of real estate to be taken as security.

Title insurance companies.

5. Corporations engaged in the business of insuring titles to real estate may, after the investment of one hundred thousand dollars in the manner provided for in subdivisions one, two, three and four of this section, invest an amount not exceeding fifty per cent of their subscribed capital stock, in the preparation or purchase of the materials or plant necessary to enable them to engage in such business; and such material 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 corporations.

Fire, life, health, accident and marine companies.

6. Companies organized for and engaged in the business of fire, life, health, accident and marine insurance, may, after the investment of two hundred thousand dollars, and companies duly formed or organized for the transaction of business in any other kind of insurance may, after the investment of one hundred thousand dollars, in the manner provided in subdivisions one, two, three and four of this section, invest the balance of their capital and any accumulations in the purchase of or loans upon the stock of any corporation (except mining companies) organized and carrying on business under the laws of the State

of California which have at the time of investment a market value of not less than their paid-in value, and which are rated as first-class securities, or in interest-bearing, bonds of any corporation of any state or territory of the United States not in default of interest; *provided*, that a two-thirds vote of all the directors of such corporations shall approve such investment. It shall be the duty of the officers of such corporation to report quarterly during the months of January, April, July and October of each year to the insurance commissioner a list of such investments so made by them, and the insurance commissioner may, if such investments, or any of them, seem injudicious to him, require the sale of the same. But no investment in the securities named in subdivisions one, two, three and six of this section must be made in an amount exceeding the market value of such securities, at the date of such investment.

7. Life insurance companies may loan upon their own policies; *provided* that the amount so loaned upon each policy shall not exceed the reserve against said policy at the time said loan is made; *provided further*, that no policy loans whatever shall ever be used as security which may be deposited with the insurance commissioner under section six hundred and thirty-four of the Political Code; *and provided further*, that whenever any such loan in any amount is made on a policy registered with the insurance commissioner under said section six hundred and thirty-four of the Political Code, such registration shall be forthwith canceled.

Life insurance companies.

CHAPTER 488.

An act to add a new section to the Political Code, to be numbered section 2295a, and relating to supplying the state library with state publications for exchange purposes.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered section 2295a and to read as follows:

2295a. It shall be the duty of the superintendent of state printing to furnish to the state library, as soon as issued, fifty copies of all state publications, except those printed from day to day during the sessions of the legislature, to be used by the state librarian in the exchange of documents with other jurisdictions. One half of the documents so furnished shall be bound copies. Of the publications issued from day to day during the sessions of the legislature, there shall be furnished to the state library as many as may be required by the librarian. It shall be the duty of the superintendent of state printing to print a sufficient number of all state publications in addition to those otherwise authorized, so as to comply with this section.

Copies of state publications to be furnished to state library.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in force from and after its final passage.

CHAPTER 489.

An act to amend section five hundred and ninety of the Penal Code, and to add a new section to said code to be numbered section five hundred and ninety a, relating to the removal, injury, destruction, breaking or defacing of mile boards, posts or stones, or guide posts on or near highways; to the punishment thereof and to the disposition of fines collected therefor.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Injuries to
guide
posts.

590. Every person who maliciously removes, destroys, injures, breaks or defaces any mile post, board or stone, or guide post erected on or near any highway, or any inscription thereon, is guilty of a misdemeanor.

SEC. 2. A new section is hereby added to the Penal Code to be numbered section five hundred and ninety a, and to read as follows:

Informer
to receive
half of
fines
collected.

590a. One half of all fines imposed and collected under the provisions of section five hundred and ninety shall be paid to the informer who first causes a complaint to be filed charging the defendant with the violation of said section.

CHAPTER 490.

An act to amend section five hundred six of the Penal Code of the State of California relating to embezzlement.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 506 of the Penal Code of the State of California is hereby amended as follows:

When con-
tractor,
etc., guilty
of embez-
zlement.

506. Every trustee, banker, merchant, broker, attorney, agent, assignee in trust, executor, administrator, or collector, or person otherwise intrusted with or having in his control property for the use of any other person, who fraudulently appropriates it to any use or purpose not in the due and lawful

execution of his trust, or secretes it with a fraudulent intent to appropriate it to such use or purpose, and any contractor who appropriates money paid to him for any use or purpose, other than for that which he received it, is guilty of embezzlement.

CHAPTER 491.

An act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to the California state board of pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

[Approved March 22, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION. 1. The sum of three hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for all printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the California state board of pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Printing
for board of
pharmacy,
appropriation.

SEC. 2. The controller is hereby authorized to draw his warrant for the amount herein named made payable upon demands approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 492.

An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties for the violation thereof.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. This act shall be known as the Public Health Act and its provisions are to be liberally construed, with a view to effect its purpose of preventing by uniform measures, the spread of contagious, infectious and communicable diseases and to preserve and promote the health of the people of the state. Its provisions are not intended to repeal or supersede any statutes of the state now in force, which are promotive of the

Public
health act.
How to be
construed.

general health and not in conflict with or repugnant to its provisions, but they shall be deemed supplemental to such statutes; and where the provisions of this act are not in conflict with and repugnant to such statutes, they shall be construed consistently therewith, and as continuations thereof.

Pollution of waters.

SEC. 2. It shall be unlawful to discharge or deposit, or cause or suffer to be discharged or deposited, any sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, offensive, injurious, or dangerous to health, in any springs, streams, rivers, lakes, wells or other waters used or intended to be used for human or animal consumption; or to discharge or deposit, or cause or suffer to be discharged or deposited, any such offensive, injurious or dangerous matter or substance upon the land or place adjoining such waters so as to cause or suffer such matter or substance to flow or be emptied or drained into such waters.

Cesspools, sewer pipes, etc.

SEC. 3. It shall be unlawful to erect, construct, excavate, or maintain, or cause to be erected, constructed, excavated, or maintained, any privy, vault, cesspool, sewer pipes or conduits, or other pipes or conduits, for the discharge of impure waters, gas, vapors, oils, acids, tar, or other matter or substance offensive, injurious, or dangerous to health, whereby any part of such matter or substance shall empty, flow, seep, drain, condense or otherwise pollute or affect any of such waters so intended for human or animal use or consumption; or to erect or maintain any permanent or temporary house, camp, or tent, so near to such springs, streams, rivers, lakes, or other sources of water supply, as to cause or suffer the drainage, seepage, or flow of impure waters, or any other liquids, or the discharge or deposit therefrom, of any animal, mineral, or vegetable matter, to corrupt or pollute such waters.

Pollution of waters by live stock.

SEC. 4. It shall be unlawful to cause or permit any horses, cattle, sheep, swine, poultry or any kind of live stock or domestic animals, to pollute the waters, or tributaries of such waters, used or intended for drinking purposes by any portion of the inhabitants of this state.

By bathing.

SEC. 5. No person shall bathe or wash clothes in any spring, stream, river, lake, reservoir, well or other waters which are used or intended for drinking purposes by the inhabitants of the vicinage or of any city, city and county, or town, of this state.

Ice must be stored in clean places.

SEC. 6. Ice offered or intended for public use or consumption shall be kept or stored in clean places free from all filth, offal, refuse, and polluted waters, and separate and removed from contact with animal or vegetable matter, and not in proximity to any cesspool, privy vault, or sewer, nor in places where such ice may be subject to contamination from, or the action of, acids, oils, noxious, offensive, or injurious gases, smoke or vapors, and all ice kept or stored in violation of this section shall be deemed polluted ice and not fit for human consumption; and it shall be unlawful to sell, offer for sale, or store for sale such polluted ice.

SEC. 7. It shall be unlawful to sell, offer, or keep for sale for public use or consumption, ice which shall have been used for the cooling of malt, vinous or spirituous liquors, or for the refrigeration of butter, milk, meat or any animal or vegetable matter or substances, or which shall have been taken from any asylum, hospital, sanitarium, sick-room, slaughter-house, or any place where human or animal remains have been kept or deposited.

Ice, certain not to be sold.

SEC. 8. In the transportation or carriage of ice intended for public use or consumption, care shall be taken to prevent contact with filth, offal, and other refuse, and contamination from animal and vegetable matter, and from offensive and noxious oils, acids and other substances injurious, dangerous or offensive to health.

Transportation of ice.

SEC. 9. No person, firm, company, or corporation shall make or permit to be made, or offer or permit to be offered for sale for public use or consumption, any ice manufactured from impure or polluted water, or natural ice cut or taken from any corrupt or impure waters or water source; nor taken or manufactured from any waters or source of water supply after notice from the state board of health, or its secretary, that such waters are impure or polluted.

Ice from impure waters.

SEC. 10. In the interest of the public health, every health officer or health inspector, upon proper demand and notice of his authority, shall be permitted, during office hours, to enter and inspect the works, premises, sources of supply, and places of storage of any person, firm, company, or corporation, maintaining, selling or offering for sale, water or ice for human use or consumption, and it shall be unlawful for any person, firm, company, or corporation to refuse to permit a reasonable inspection or investigation of such works and premises or the ice and water kept or stored therein, or to impede or obstruct such officer during such investigation.

Inspection of places where ice is stored.

SEC. 11. It shall be the duty of every county, city and county, municipal, town, or other health officer or inspector to enforce diligently within the county, city and county, municipality, town or district of which he is such health officer, all state laws pertaining to health and sanitary matters, and all orders, rules and regulations concerning health, quarantine, and disinfection prescribed or directed by the state board of health, and all local ordinances, resolutions, orders, and regulations concerning health, of the board of supervisors, which shall not be in conflict with the general laws or the orders, rules and regulations of the state board of health.

Duty of local health officers.

Said health officers shall report to the state board of health all violations of the state health laws and all violations of the state laws relating to registration of births, marriages, and deaths, which shall come to their knowledge.

Report to state board of health.

Every county health officer, and every city and county, city, or town board of health, or chief executive health officer thereof, shall report in writing to the state board of health regularly on or before the fifth day of each month, and also whenever requested by the state board of health, or its secre-

tary, all infectious, contagious and communicable diseases in man or beast which shall come to his knowledge, upon blanks furnished by the state board of health; and he shall, in cases of local epidemic of disease, report at such times as shall be requested by the state board of health, or its secretary, all facts concerning the disease, and the measures taken to abate and prevent its spread.

Report
of local
quaran-
tine rules.

It shall also be the duty of every such county health officer, and every city, city and county, and town board of health or chief executive health officer thereof, in cases of epidemic, whenever quarantine is established, promptly to transmit to the secretary of the state board of health a true copy of all quarantine rules, orders and regulations adopted by the local health board or health officer, and of all subsequent changes or modifications in the matter of such quarantine and in such local rules, orders, and regulations; and every such board of health or chief executive health officer thereof, shall promptly report, in writing, to the secretary of the state board of health any changes that may occur in their offices, and the names and residences of all newly appointed or elected officers.

Quaran-
tine, state
board of
health
may order.

SEC. 12. Whenever in the judgment of the state board of health, or when said board is not in session, whenever in the judgment of the secretary of said board, such action shall be deemed necessary to protect or preserve the public health, every county health officer, and every city and county, city or town board of health, or chief executive health officer thereof, shall, when so directed by said state board of health or its secretary, quarantine and disinfect, as required by the general and special instructions of said state board or secretary within the jurisdiction of such local board of health or health officer, persons, animals and things of whatever nature, and houses, rooms, and places, and destroy, or cause to be destroyed, bedding, carpets, household goods, furnishings and materials, clothing or animals, when such property is, by said state board of health or its secretary, deemed an imminent menace to the public health, and when ordinary means of disinfection are deemed unsafe, and the board of supervisors, council or other governing body, where such destruction of property occurs, shall have power to make adequate provision and compensation in proper cases for those injured by such necessary destruction.

Quaran-
tine rules.

SEC. 13. The following rules and requirements shall be strictly observed in all cases of quarantine, subject, however, to such changes and modifications as the state board of health, or its secretary may otherwise require and direct.

Rule 1. Every county, city and county, city, or town board of health, or chief executive health officer thereof, upon receiving information of the existence of such diseases within its or his jurisdiction, must immediately quarantine each and every case of Asiatic cholera, yellow fever, typhus fever, plague, smallpox, scarlet fever, diphtheria, membranous croup, measles, leprosy, and every case of anthrax and glanders affecting human beings, and such other contagious or infectious diseases

which may from time to time be declared quarantinable, and in addition to their local rules and regulations shall follow all general and special rules, regulations, and orders of the state board of health, or its secretary. Quarantine rules.

Said health boards or officers must, within twenty-four hours after quarantine, report fully, in writing, to the secretary of the state board of health, all of such cases quarantined; *provided, however,* that said health officers shall immediately report by telegraph to said secretary of the state board of health every case discovered or known of plague, Asiatic cholera, yellow fever or typhus fever, and after investigation and within twenty-four hours shall report the cause, source and extent of contagion and infection, and all acts done and measures adopted in each case, and shall make such further reports as the secretary of the state board of health may require.

Rule 2. In addition to the list of quarantinable diseases given in rule 1 of this section the following is a partial list of contagious, infectious and communicable diseases, all of which, though not required to be quarantined by the state board of health, must be properly reported in writing to the state board of health, or its secretary, by the said local health boards or chief executive health officers, viz: Manila, Cuban, Philippine, adobe, or kangaroo itch; chicken-pox, erysipelas, pneumonia, uncinariasis or hookworm, cerebro-spinal meningitis, trachoma, whooping-cough, mumps, dengue, dysentery, tuberculosis of the respiratory tract, typhoid fever, tetanus, and any disease which appears to have become epidemic. This list can be changed at any time by the state board of health or its secretary.

Rule 3. When any building, house, structure, or part thereof, or tent or other place, is quarantined because of a contagious, infectious or communicable disease, said local health boards or chief executive health officer shall cause to be firmly fastened, in the most conspicuous place upon such house, building, tent, or other place, a placard or flag, upon which is printed the name of the disease, in plain and legible letters of at least two and one half inches in length. This placard or flag must not be removed by any person except the health officer or his deputy, and in no case until the premises have been thoroughly disinfected.

Rule 4. When persons quarantined in a house, building, structure, tent, or other place have recovered from the disease for which the quarantine is established, or when the quarantine is for exposure to a contagious, infectious or communicable disease, and the period of incubation designated has elapsed, the quarantine shall not be raised by order of the local board of health or local health officer until every exposed room, together with all bedding, clothing, and all other personal property contained therein, has been thoroughly disinfected, or if necessary, such personal property may be destroyed, by or under the direction of the health officer or his deputy; and until all persons quarantined shall have taken a thorough antiseptic bath and put on clothing free from contagion.

Quarantine rules.

Rule 5. Whenever quarantine is established by any local board of health or health officer to prevent the spread of any contagious, infectious, or communicable disease, it shall be the duty of all persons to obey the rules, orders and regulations of such health board or health officer.

Rule 6. No milkman shall take away any milk bottles or other receptacles for milk from any building, house, structure, tent, or other place, in which a contagious, infectious or communicable disease exists or has existed, nor from any place within any quarantined district, nor at any time after such quarantine has been removed, unless with the written permission of the local health officer, and after such milk bottles or receptacles have been disinfected and cleaned to the satisfaction of such officer.

Whenever there exists in the house of any milkman, milk dealer or milk distributor, any case of cholera, typhus fever, plague, scarlet fever, diphtheria, membranous croup, leprosy, anthrax, glanders, cerebro-spinal meningitis, whooping-cough, typhoid fever, dysentery, trachoma or tetanus, then it shall be unlawful for such milkman, milk dealer, or milk distributor, to continue the sale or distribution of milk until the local board of health or chief executive health officer has appointed at the expense of the county where such milkman, dealer or distributor lives, a person to superintend his cows, dairy or other place where such milk is sold, or from which it is delivered or distributed, and all cows, bottles, vessels and milk utensils. Such person so appointed by the local board of health, or chief executive officer, shall strictly require that all persons attending to the cows, dairy, sheds, milk cans, bottles, vessels and milk utensils shall not have access to the infected house, nor any communication with the persons who reside in such infected house, except with the permission and under the inspection of the local health officer.

Rule 8. Every person subject to quarantine, residing or being in a quarantined building, house, structure or tent, shall not go beyond the lot upon which such building, house, structure or tent is situated, nor put himself in immediate communication with any person not subject to quarantine, other than the health officer and physician. The local board of health or local chief executive health officer maintaining a quarantine shall appoint, or cause to be appointed a suitable person to perform necessary outside services for the necessary wants of the persons quarantined. Such person so appointed shall never enter the building, house, structure, or tent nor come in personal contact with any of the persons quarantined, but shall receive orders and deliver answers verbally at a distance, and shall leave at the entrance of the building, house, structure or tent, or at such other place as may be designated by the health officer or deputy, all articles which he may have brought, and he shall strictly observe the orders of the local health officer.

Places of quarantine.

SEC. 14. Every county, city and county, city, and town board of health, or chief executive health officer thereof, when-

ever required by the state board of health, or its secretary, shall establish and maintain places of quarantine or isolation, which shall be subject to the special directions of said state board, or its secretary.

SEC. 15. No quarantine shall be established by one county, or city, city and county, or town, against another city, city and county, county, or town, without the written consent of the state board of health, or its secretary.

Quarantine against other towns.

SEC. 16. All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employés, and persons living in or visiting any sick person in any hotel, lodging-house, house, building, office, structure, or other place where any person shall be ill of any infectious, contagious, or communicable disease, shall promptly report such fact to the county, city and county, city, or other local health board or health officer, together with the name of the person, if known, and place where such person is confined, and nature of the disease, if known.

Persons ill of contagious diseases, report of fact.

SEC. 17. No instructor, teacher, pupil, or child affected with any contagious, infectious, or communicable disease which is or might be the subject of quarantine, or has been declared reportable, or who resides in any house, building, structure, tent, or other place where such disease exists or has recently existed, shall be permitted, by any superintendent, principal or teacher of any college, seminary, public or private school, to attend such college, seminary, or school, except by the written permission of the local health officer.

Protection to schools.

SEC. 18. No embalming fluid or methods of embalming not approved by the state board of health shall be employed by any person in the case of deaths from contagious, infectious or communicable diseases, or in cases where the remains are to be transported or carried upon trains or vessels or other public conveyances for interment or cremation within this state or for transportation without the state.

Embalming.

SEC. 19. No person shall embalm a body of any person who has died from an unknown cause, except with the written permission of the local health officer.

Same.

SEC. 20. The following rules and requirements in cases of the transportation of the dead shall be strictly observed, subject, however, to such changes and modifications as the state board of health or its secretary may otherwise require and direct:

Rules for transportation of dead.

Rule 1. The transportation within the boundaries of the State of California, from any other state, territory, district, or islands of the United States, or from any foreign country, of remains or bodies dead from plague, Asiatic cholera, yellow fever, typhus fever, anthrax, or glanders, or the transportation of the same from this state to any part of the United States, or any foreign country, is absolutely prohibited.

No remains or bodies of those dead from any of said diseases shall be transported within this state to any place beyond a distance of twenty-five miles except by permission and under the direction of the state board of health or its secretary, and

Rules for
trans-
portation
of dead.

subject also to the conditions provided in rules 2, 5 and 6 of this section hereinafter set forth.

Rule 2. The bodies of persons dead of Asiatic cholera, yellow fever, diphtheria, membranous croup, scarlet fever (scarlatina, scarlet rash), erysipelas, glanders, anthrax, or leprosy, shall not be accepted for transportation unless prepared for shipment by (a) arterial and cavity injection with a disinfecting fluid approved by the state board of health; (b) disinfection and stopping of all orifices with absorbent cotton, and (c) washing the body with a disinfectant; (d) such body shall be enveloped in a layer of dry cotton not less than one inch thick, completely wrapped in a sheet securely fastened, and encased in an air-tight zinc, tin, copper, or lead-lined coffin or iron casket, all joints and seams hermetically sealed, and all enclosed in a strong, tight wooden box; *provided*, that instead of such zinc, tin, copper or lead-lined coffin or iron casket, the body having been prepared for shipment by disinfecting and wrapping as above, may be placed in a strong coffin or casket, or tin-lined box, all joints and seams hermetically soldered.

In the shipment of bodies dead from any disease named in this rule, such body must not be accompanied by persons or articles which have been exposed to the infection of the disease, unless certified by the health officer to have been properly disinfected.

Rule 3. The bodies of those dead from typhoid fever, puerperal fever, tuberculosis, measles, or other contagious or infectious diseases not enumerated under rules 1 and 2 of this section, may be received for transportation when prepared for shipment by arterial and cavity injection with an approved disinfecting fluid, washing the exterior of the body with the same, and enveloping the entire body with a layer of cotton not less than one inch thick, and wrapped in a sheet securely fastened, and encased in an air-tight metallic coffin or casket or an air-tight metallic box; *provided*, that this shall apply only to bodies which can reach their destinations within thirty hours from the time of death.

Rule 4. The bodies of those dead from any cause not stated in rules 1, 2 and 3 of this section, may be received for transportation when encased in a sound coffin or casket and enclosed in a strong outside wooden box; *provided*, they can reach their destination within thirty hours from the time of death. If the body cannot reach its destination within thirty hours from the time of death, it must be prepared for shipment by arterial and cavity injection with an approved disinfecting fluid, washing the exterior of the body with the same, and enveloping the entire body with a layer of dry cotton not less than one inch thick, and wrapped in a sheet securely fastened, and encased in an air-tight metallic coffin or casket or an air-tight metal-lined box.

Rule 5. Every dead body must be accompanied by a transit permit showing physician's or coroner's certificate, and as far as obtainable, showing name of deceased, age, date, place and cause of death, and all other matters required by an act

of the legislature of the State of California approved March 18, 1905, and entitled "An act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this act."

Rules for transportation of dead.

Said transit permit shall indicate the place to which the body is to be transported and the name of the consignee or person to whom it is to be delivered, and shall include the registrar's or health officer's permit showing whether death resulted from a communicable or non-communicable disease, and also the undertaker's certificate, showing the manner in which the body had been prepared for shipment.

The transit permit must be made in triplicate, and the signatures of physician or coroner, health officer, registrar, and undertaker must be upon the original and the duplicate and triplicate copies.

The physician's certificate and transit permit shall be delivered to the passenger or agent, if any, in charge of the body. The whole duplicate copy shall be sent to the officer in charge of the baggage department of the initial line and by him to be forwarded to the state board of health or other proper health authority of the state or territory, foreign country or place of destination, and the triplicate copy shall be transmitted to the secretary of the state board of health of California, at Sacramento.

Rule 6. When bodies are shipped by express, as described in rule 5 of this section, a transit permit must be made out in triplicate. The undertaker's certificate and paster of the original shall be detached from the transit permit and securely fastened in a conspicuous place on the coffin box. The physician's certificate and transit permit shall be attached to and accompany the express waybill covering the remains, and be delivered with the body at the point of destination to the person to whom it is consigned. The whole duplicate copy shall be sent by the forwarding express agent to the state board of health of the state from which said shipment was made, and the triplicate to the secretary of the state board of health of California, at Sacramento.

Rule 7. Disinterred bodies or remains of persons who have died from any disease or cause shall be treated as infectious or dangerous to the public health, and shall not be accepted for transportation in or removed from this state unless said removal has been approved by the state board of health or its secretary. If the disinterment be in this state the consent of the health board or chief executive health officer of the locality where the body is to be re-interred shall be first obtained. No dead body shall be brought into this state without the approval of the health authorities of the state, territory,

Dis-interred bodies.

District of Columbia or foreign country from which such body shall be removed and no such body shall be received, transported, or buried in this state unless satisfactory evidence of compliance with the rules of the state board of health respecting same shall be submitted to the secretary of the state board of health and his written consent obtained to such transportation, receipt or burial; and no disinterred body shall be shipped or transported from one place to another in this state without the written permission of the secretary of the state board of health and full compliance with the rules of this board respecting disinterment of bodies. And all such disinterred remains or the coffin or casket containing the same, must be wrapped in a woolen blanket thoroughly saturated with a 1-1000 solution of corrosive sublimate and enclosed in a hermetically soldered zinc, tin or copper-lined box. Bodies deposited in or taken from vaults shall be treated and considered the same as buried bodies.

The permission of the state board of health, or its secretary, shall not be required in cases of disinterment nor shall this rule be applicable where the remains are to be re-interred within the same city or town, or where such remains are to be re-interred in an adjoining county, city and county, city or town where the distance between the place of disinterment and the place where the remains are to be re-interred does not exceed thirty miles; *provided, however*, that the consent of the local health authorities shall be first obtained and all local health regulations strictly observed.

Violation
of act a
misdemeanor.

SEC. 21. Any person violating any of the provisions of this act, whether acting for himself, or as the agent or servant of another person, or of a firm, company or corporation, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section nineteen of the Penal Code of the State of California.

SEC. 22. This act shall take effect from its passage.

CHAPTER 493.

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, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending section 29 thereof and making an appropriation of twenty-five thousand dollars, to carry out the purposes of said act.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 29 of that certain 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 compensation 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, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, is hereby amended so as to read as follows:

Sacramento drainage district.

Section 29. Until the State of California, and the government of the United States, or one of them, shall have made legal provisions for paying a sum, or sums, which, together with the amount of the assessment mentioned in section 11 of this act, shall equal the entire estimated cost of river improvement specified in said section 11, the powers of the board of drainage commissioners conferred by this act shall be, and they are hereby suspended; excepting that said board of drainage commissioners may cause to be levied and collected an assessment under the provisions of sections 8 and 9 of this act, which said assessment shall not exceed the sum of \$50,000.00; and said board of drainage commissioners may also exercise the powers conferred by section 11 of this act, and such other powers as may be necessary to the exercise of the powers that are not hereby suspended. The powers of all boards of supervisors and trustees of reclamation, swamp land, drainage, levee and protection districts are hereby continued in force until the general powers of the drainage commissioners shall become fully effective under the provisions of this section.

Powers of commissioners suspended until when.

Exception.

Appropriation to pay expenses.

Money to be returned to state.

There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars, for the purpose of paying all expenses, claims, demands and warrants that have been, or may be incurred or issued by virtue of any other provisions of this act; *provided, however,* that the said Sacramento drainage district and the said board of drainage commissioners shall pay into the state treasury the first twenty-five thousand dollars out of the moneys of the said assessment authorized to be levied by this section when the same shall have been collected; and the state controller is hereby directed to draw his warrants from time to time for such claims as may be approved by the said board of drainage commissioners, and the state treasurer is hereby directed to pay the same. The said warrants and the claims upon which the same are based are exempted from the provisions of section 672 of the Political Code of the State of California, requiring approval by the state board of examiners.

SEC. 2. This act shall take effect and be in force immediately.

CHAPTER 494.

An act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Permission to sue State of California.

SECTION 1. Within six months from the passage of this act the Lauritzen Company of San Francisco, a corporation, is hereby authorized to commence and prosecute a civil action in the superior court of the State of California in and for the county of Sacramento against the State of California for damages suffered by said Lauritzen Company of San Francisco, a corporation, and its grantors, to Wood Island, situated in the Sacramento river, county of Sacramento, State of California, by reason of the construction and maintenance by said State of California of certain jetties in said Sacramento river known as and called the "Newtown Jetties."

Summons, how served.

SEC. 2. Summons in said action shall be served by delivering a copy thereof attached to a copy of the complaint to the attorney-general of said State of California, and it shall be the duty of the attorney-general to defend said action.

Bond for costs.

SEC. 3. Upon filing the complaint in said action said Lauritzen Company of San Francisco, a corporation, shall file with the court a bond in a sufficient sum to cover the costs of court. Said bond to be approved by the court.

SEC. 4. Either party to said action may appeal to the supreme court from any judgment or appealable order of said superior court therein made. Either party may appeal.

SEC. 5. This act shall take effect from and after its passage.

CHAPTER 495.

An act providing for the inspection of sheep, the appointment of a board of sheep commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That a state board of sheep commissioners be and the same is hereby created. Board of sheep commissioners created.

SEC. 2. The state board of sheep commissioners, hereinafter called the board, shall consist of six members, one of whom shall be the state veterinarian, acting as ex-officio member, and five others to be appointed by the governor, all of whom shall be experienced wool-growers, no two of whom shall be from the same county, and to hold their office for four years or until their successors are duly appointed and qualified. Each of said commissioners, before entering upon the duties of his office, shall take and subscribe to the constitutional oath of office and enter into a bond with at least two sureties in the penal sum of twenty-five hundred dollars (\$2500.00), payable to the State of California, and conditioned for the faithful performance of the duties of his office, which bond shall be approved by the governor and filed in the office of the secretary of state. The members of the said board shall each receive for his services six hundred dollars (\$600.00) per annum and actual expenses while in the discharge of his duties. Said salary and expense shall be paid from the state treasury. Each member of said board shall be a qualified elector from the county from which he is chosen and an experienced wool-grower within the state, and must reside during his term of office within the state. Said board must hold their meetings quarterly and oftener if so requested by any member of the board. Of whom board shall consist.

SEC. 3. The board shall elect one of its members president, and the board shall appoint a secretary, prescribe his duties and fix his salary, which shall not exceed one thousand dollars (\$1000.00) per annum. The board shall maintain an office. The maintenance of such office and the secretary's salary shall be paid from the state treasury in the same manner as the Oath of office and bond.

Salaries.

Qualifications.

Meetings.

Organization.

salaries and expenses of state officers. The board shall audit all bills of salaries and expenses incurred in the enforcement of this act that may be payable from the sheep inspection fund, and if found correct, shall certify the same to the board of examiners. The board shall make an annual report to the governor on or before the 15th day of December in each year, giving a statement of the transactions of the board and facts relating to the condition of the sheep industry in this state. The board shall have power to order an inspection for quarantine of any sheep in the state, compel dipping at such times and as often as it deems necessary to insure the eradication of "scab," and divide the state into such districts as may be necessary for the enforcement of this act. The board shall have power to make, adopt and enforce such rules and regulations (not in conflict with the provisions of the state constitution or the laws of this state) as the board may deem necessary for the enforcement of the provisions of this act. It shall be the duty of the state board of sheep commissioners to furnish, on or before the first Monday in September of each year, to the board of supervisors of each county in this state an estimate of the amount of money in the sheep inspection fund, and the estimated value of the sheep in each county, and the estimated rate of tax on each one hundred dollars of such valuation necessary to raise sufficient funds for paying the expenses to be incurred under the provisions of this act during the next year.

Annual report to governor.

Powers of board.

Estimate for tax levy.

Supervisors to levy tax

SEC. 4. The board of supervisors of each county in this state, at the time of the annual levy of county taxes must levy a tax, not to exceed ten mills on the dollar of the assessed valuation of the sheep in their respective counties. Said tax shall be levied and collected in the same manner as state and county taxes, and the county treasurer of each county shall report the same to the state controller and pay the same into the state treasury in the same manner and at the same time as state taxes are reported and paid. The said taxes shall be kept in the state treasury as a separate fund to be known as "the sheep inspection fund."

Duty of county auditor and treasurer.

SEC. 5. The county auditor must, on or before the first Monday in August of each year, prepare from the assessment book of each year, as corrected by the board of supervisors of each county and the state board of equalization, a statement showing the total number of all sheep assessed and the valuation of the same. The county treasurer must notify the state board of sheep commissioners of all moneys forwarded to the state treasurer belonging to the state sheep inspection fund at the time said moneys are forwarded to the state treasury. Also, make final report to the said board at the time he makes settlement with the state controller.

Employment of inspectors.

SEC. 6. The board shall have charge of the enforcement of the provisions of this act, and of all rules and regulations made and adopted by it. The board shall employ such inspectors as may be necessary, and said inspectors shall file a bond in the sum of one thousand dollars (\$1000.00), payable

to the state, and conditioned for the faithful performance of their duties, and said bond shall be approved by the board. Such inspectors shall receive five dollars (\$5.00) per diem for each day's work actually performed, to be paid from the sheep inspection fund. The board must keep a book to be known as the inspection book in which they must enter their official acts. Such record must show every flock of sheep inspected, and the number contained therein, the time when and the place where the same was inspected.

Per diem of inspectors.

Records.

SEC. 7. The inspectors and any member of the board shall have the right at all times to enter any premises, farm, field, pen, slaughter-house, building or car where any sheep are quartered for the purpose of examining them, in order to determine whether they are affected with the disease known as scabies. The board shall have the power to quarantine any corral, pen, slaughter-house, building or car where sheep may have been or are being handled, and compel the cleaning and disinfecting of the same when deemed necessary for the purposes of this act. When owners or persons in charge of such places shall, after forty-eight hours' written notice, refuse to clean or disinfect them, the inspector shall have the right to take charge of such places, cause the same to be cleaned and disinfecting, and the expense of such cleaning and disinfection must be paid by the person in charge or the owner, and shall be a lien upon such premises, corrals, pens, slaughter-houses, buildings, cars, etc., until such expense is paid.

Rights of inspectors.

Quarantine.

SEC. 8. Inspectors shall report to the board in writing and as often and at such times as may be requested by such board.

Reports of inspectors.

SEC. 9. Each inspector must inspect all the sheep within the district assigned to him, when so ordered by the board, and must make and issue a certificate or bill of health for all sheep whose owners have complied with the law and the orders, rules and regulations made and adopted by the board, describing the sheep, giving the number, together with the marks and brands thereon, which will entitle the owner or agent in charge to pass with such sheep from one district to another in this state. The inspector shall immediately file with the board in duplicate all certificates issued by him.

Duties of inspectors.

SEC. 10. When sheep are found affected with scabies they must be quarantined where found, and the inspector must define the place, the limits within which such sheep may be grazed, herded or driven, and such sheep must be held in quarantine until pronounced cured from such disease by the state board of sheep commissioners. The expense of dipping, hand-dressing, spotting, feeding, and taking care of all sheep quarantined under the provisions of this act, must be paid for by the owner or agent in charge of such sheep; and such expense shall be a lien upon such sheep until paid.

Scabies, when sheep are affected by.

SEC. 11. All sheep in the state affected with or exposed to "scabies" must be dipped at such time or times as may be ordered by the board; such dipping shall be done under the supervision of an inspector and the dip used in all such cases must be one approved by the state board of sheep commission-

Dipping of affected sheep.

ers; *provided, however*, that ewes due to lamb within thirty days shall not be subject to the provisions of this section.

Sheep in transit from other states.

SEC. 12. When any owner or person in charge of sheep shall bring such sheep into this state, upon entering from an adjoining state or territory for the purpose of grazing, he shall notify the board or any inspector in writing, of such fact immediately after entering the state, stating the time when, the place where such sheep did enter and number of such sheep; *provided, however*, that the owner or person in charge of sheep in transit on the cars shall not be required to give notice unless they shall remain in the state or are unloading to feed or rest for a longer period than forty-eight hours.

Moving affected sheep.

SEC. 13. In no case shall any sheep affected with scabies be moved along the public highway or across the lands of another without a written permit from the board or an inspector.

Failure to observe rules of board.

SEC. 14. Any person owning or having charge of any public dipping vat, or vessel in which sheep are dipped, and every owner of sheep or agent in charge of them, who shall refuse or neglect after notice in writing to dip all sheep in the manner prescribed in the preceding sections or who shall willfully and intentionally fail to observe any and all rules and regulations made and adopted by the board in accordance with the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty (50) dollars.

Claims, how paid.

SEC. 15. All claims for salaries of the members of the board shall be paid out of the sheep inspection fund at the same time and in the same manner as the salaries of state officers are paid. All other claims and expenses authorized by this act shall be executed, approved, audited, allowed and paid at the same times and in the same manner as other claims against the state.

Misdemeanor.

SEC. 16. Any person who violates any provision of this act shall be guilty of a misdemeanor, and shall be punished by a fine not less than fifty dollars (\$50.00).

CHAPTER 496.

An act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IIa, relating to the support and maintenance of orphans, half orphans and abandoned children.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Support of orphans.

SECTION 1. A new chapter is hereby added to Title V of Part III of the Political Code, to be known as Chapter IIa, and to read as follows:

CHAPTER II.

ORPHAN ASYLUMS.

Section 2283.	Appropriation of aid.
2284.	Times of payment of aid.
2285.	Books to be kept by institutions.
2286.	State board of examiners' duties.
2287.	Presentation and allowance of claims.
2288.	Payment of damages.
2289.	Institutions and children entitled to aid.
2290.	Foundling asylums.

2283. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to each and every institution in this state conducted for the support and maintenance of minor orphans, half orphans, or abandoned children, and to each and every county, city and county, city, or town maintaining such orphans, half orphans, or abandoned children, or any or all of such classes of persons, aid as follows: For each whole orphan supported and maintained in any such institution, one hundred dollars per annum; and for each half orphan or abandoned child, seventy-five dollars per annum; but each abandoned child must have been an inmate thereof for one year prior to receiving any support as provided in this chapter.

Appropriation of aid

2284. The aid herein granted must be paid in semi-annual installments, commencing on the first Mondays in January and July of each year.

Times of payment.

2285. Every institution entitled to aid under this chapter must keep the following books, which at all times must be open to the state board of examiners, or to any person appointed by them to examine the same, or to any committee of the legislature, or to any clerk or officer thereof duly authorized to make such examination:

Books to be kept by institutions.

1. A book in which must be entered the date of admission, name, age, sex, and place of birth of each and every orphan, half orphan, and abandoned child, who is or may hereafter be received or admitted in such institution, and the date of discharge of any such child, when such discharge is made, the parentage, if known; the estate, if any, to which the child is heir, and the insurance, if any, on father's or mother's life; so far as can be ascertained, the place where either parent or both died, nativity of the parents, where married, the marriage certificate, where recorded, when they came to California or Nevada, place of residence in California, and habits of sobriety;

2. A book entitled "monthly accounts." In it must be entered, on the debtor side, all the moneys received from any and all sources segregated under the proper heads; on the credit side must be entered all disbursements made, specifying for what purposes made, and the amount entered in detail so disbursed, segregated under their proper heads;

3. A pay roll of the employés, and the amounts disbursed to each;

4. A book in which must be entered in detail the amounts paid for the specific support of every orphan, half orphan, or abandoned child, and the date of such payments;

5. A transcript of the books and pay roll, verified under oath by the manager or person in charge of such institution entitled to or claiming state aid under this chapter, must be made and forwarded to the state board of examiners at the time of making demand or presenting claim for state aid, covering the time for which such claim or demand for state aid is made;

6. A list of all the inmates other than employés or orphans supported wholly or in part by any institution presenting a claim for state aid under this chapter, must also be forwarded with such claim for aid.

Inquiry by
board of
examiners.

2286. The state board of examiners is authorized, in behalf of the state, at any time to inquire, either in person or by authorized agent, into the management of any such institution; and any institution refusing, upon due demand, to permit such inquiry, must not thereafter receive any aid under this chapter. All expenses incurred in visiting said asylums must be audited and allowed by the state board of examiners out of the appropriations for the support of orphans, half orphans, and abandoned children.

Presenta-
tion and
allowance
of claims.

2287. Every claim for aid under this chapter must be presented to and audited and allowed by the state board of examiners. Such claim must contain:

1. The name and location of the institution making the claim;
2. The name of the person or persons having charge or control thereof;
3. The number of orphans, half orphans, or abandoned children therein;
4. The date of admission and age of each;
5. The amount, if any, that the institution is receiving for the specific support of any orphan, half orphan, or abandoned child therein.

Such claim, and the statements therein contained, must be verified by the oath of the person or persons, or some of them, in charge of such institution, and the board of examiners may, in their discretion, require the production of the books of such institution in support of such claim.

Erection of
buildings
not
allowed
from state
moneys.

2288. If such claim is audited and allowed, in whole or in part, by said board, it is the duty of the controller to draw his warrant for the amount allowed in favor of such institutions, and it is the duty of the treasurer to pay the same on presentation. No money appropriated by the state to any institution claiming aid under this chapter, must be expended either in improvements or in the erection of new buildings by such institutions.

Institu-
tions and
children
entitled
to aid.

2289. In order that the provisions of this chapter shall not be abused, it is hereby declared:

1. That no institution which has less than twenty inmates of either or all of the classes mentioned in section twenty-two

hundred and eighty-three, must be deemed an institution for the support and maintenance of minor orphans, half orphans, or abandoned children, within the intent and meaning of this chapter;

2. That no child over the age of fourteen years shall be deemed a minor orphan, half orphan, or abandoned child within the intent and meaning of this chapter;

3. That no child for whose specific support there is paid to any such institution the sum of ten dollars or more per month shall be deemed a minor orphan, half orphan, or abandoned child within the intent and meaning of this chapter.

2290. The provisions herein made for the support of orphans, half orphans, and abandoned children, shall be held to include foundlings, and other dependent illegitimate infants who may have been or shall become dependent upon any regularly established foundling asylum, without regard to the time in which such infants have been dependent upon such institutions; and the relief herein provided shall be given for any fraction of a year, pro rata; *provided, also*, that the limitation of twenty inmates, mentioned in section twenty-two hundred and eighty-nine, shall, in relation to said foundling asylum, be construed to mean not less than twenty admissions in the course of each year; *and, provided further*, that for each abandoned or dependent illegitimate infant who now is or shall become dependent upon such foundling asylum, there shall be paid by the state the sum of twelve dollars and fifty cents per month from the time it becomes dependent upon such institution until such infant's decease, or until it become adopted, or reach the age of eighteen months, after which age such asylum shall receive the same sum for such infants as allowed for full orphans.

Foundling
asylums.

CHAPTER 497.

An act to authorize and empower the board of managers of the Southern California State Hospital for the Insane, near the city of San Bernardino, San Bernardino county, to sell and convey a strip or parcel of land situate in San Bernardino county, in the State of California, and belonging to said state, to the San Bernardino Valley Traction Company for the purposes of a right of way for an electric railroad thereon.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of managers of the Southern California State Hospital for the Insane, near the city of San Bernardino, San Bernardino county, are hereby authorized and empowered, subject to the approval of the state commission in lunacy, to sell and convey to the San Bernardino Valley

Authority
to convey
right of
way for
railroad.

Traction Company, a corporation, for the purposes of a right of way for an electric railroad, a strip or parcel of land of the width of twenty-five feet, over, across and upon the lands of the Southern California State Hospital at Patton, in San Bernardino county, California.

Conditions
of con-
veyance.

SEC. 2. Such sale and conveyance shall be made subject to the conditions that such strip of land shall be used by said railroad corporation solely for the purposes of maintaining and operating an electric railroad thereon, and that in the event such corporation, its successors or assigns, shall at any time cease to use such strip of land for the purpose above designated or to operate a railroad thereon, or shall put such strip of land to any use other than that hereinabove provided for, the title and right to the possession thereof shall immediately revert to and be forfeited to the state; *and provided also*, that such conveyance shall be upon the further condition that said corporation shall locate, establish and maintain, at such point adjacent to the land of said state hospital as shall be satisfactory to said board of managers and said state commission in lunacy, a suitable and convenient depot or station for receiving and discharging passengers and freight.

Execution
of deed.

SEC. 3. A deed duly executed by the president or chairman of said board of managers and accompanied by a resolution of the state commission in lunacy showing that the terms thereof are satisfactory to such commission shall be sufficient to convey title to said property.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 498.

An act to amend section eleven hundred and fifteen and eleven hundred and twenty-six of the Code of Civil Procedure, and to add a new section thereto, to be numbered eleven hundred and twenty-four, all relating to the contesting of elections.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Proceed-
ings on
contested
election.

1115. When an elector contests the right of any person declared elected to such office, he must within twenty days after the declaration of the result of the election by the body canvassing the returns thereof, file with the county clerk a written statement, setting forth specifically:

1. The name of the party contesting such election, and that he is an elector of the district, county, or township, as the case may be, in which such election was held;

2. The name of the person whose right to the office is contested;

3. The office;

4. The particular grounds of such contest.

Such statement must be verified by the contesting party, as provided by section four hundred and forty-six of this code.

SEC. 2. A new section is hereby added to said code, to be numbered eleven hundred and twenty-four, and to read as follows:

1124. Whenever the body canvassing the returns of any such election declares that no person has received the highest number of votes given for that particular office, any elector of the county, city and county, city, or political subdivision of either, in which such office is to be exercised, may, within twenty days after such declaration, contest the same by filing with the county clerk a written statement, setting forth specifically the matters stated in subdivisions one, three, and four of section eleven hundred and fifteen, and also the names of the persons shown by such declaration to have received an equal number of votes; which statement must be verified as provided in said section eleven hundred and fifteen. A citation must thereupon be issued for and served upon the persons so declared to have received an equal number of votes, as provided in section eleven hundred and nineteen, unless one of such persons is the contestant, in which case the citation need not be issued for or served upon him. Thereupon like proceedings must be had as are provided in this title for contesting the right of a person declared elected; and all the provisions of this title, so far as applicable thereto, must govern in such proceedings.

When canvassing board declares no election, who may contest.

SEC. 3. Section eleven hundred and twenty-six of said code is hereby amended to read as follows:

1126. Either party aggrieved by the judgment of the court may, within thirty days after notice of the entry thereof, appeal therefrom to the supreme court, as in other cases of appeal thereto from the superior court.

Appeal.

CHAPTER 499.

An act to amend section sixteen hundred and twelve of the Code of Civil Procedure, relating to the liability of executors and administrators.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1612. No executor or administrator is chargeable upon any special promise to answer in damages or to pay the debts of the testator or intestate out of his own estate, unless the agree-

When executor personally liable.

ment for that purpose, or some memorandum or note thereof, is in writing or signed by such executor or administrator, or by some other person by him thereunto specially authorized in writing.

CHAPTER 500.

An act to amend an act entitled "An act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this act," approved March 22, 1905, by amending sections 2, 3, 4 and 6 of said act, and by adding thereto a new section to be numbered 8a.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Motor
vehicles.
license tax
upon.

SECTION 1. Section 2 of an act entitled "An act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the object of this act," approved March 22, 1905, is hereby amended to read as follows:

Statement
owner to
file with
secretary
of state.

Section 2. Subdivision 1. Every owner of a motor vehicle shall, for every such vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered including the name of the maker, factory number, style of vehicle and motor power on a blank to be prepared and furnished by such secretary of state for that purpose. The filing fee shall be two dollars.

Registra-
tion of
vehicle.

Subdivision 2. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book or index kept for the purpose, and assign it a distinctive number.

Registra-
tion seal.

Subdivision 3. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form approximately two inches in diameter, and have stamped thereon the words "Registered motor vehicle, No. ---, State of California," with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned.

If vehicle
has been
previously
registered.

Subdivision 4. If the vehicle has been previously registered, the certificate issued thereon shall be returned to the secretary of state and in lieu thereof such secretary shall issue to said owner a registration seal containing the number of such previous registration upon payment of a fee of one dollar. Upon the sale of a motor vehicle, the vendor, except

a manufacturer or dealer, shall within ten days, return to the secretary of state the registration seal affixed to such vehicle.

Subdivision 5. Every motor vehicle shall also at all times have the number assigned to it displayed on the back of such vehicle in such a manner as to be plainly visible, the numbers to be in arabic numerals, black on white background, each not less than three inches in height, and each stroke to be of a width not less than half an inch, and also as a part of such number of the abbreviated name of the state in black on white ground, such letters to be not less than one inch in height.

Number assigned to be displayed on vehicle.

Subdivision 6. A manufacturer of or dealer in motor vehicles shall register one vehicle of each style or type manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in as he may desire on payment of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with subdivisions one, three, five and eight of this section, until such vehicle shall be sold or let for hire. Nothing in this subdivision shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for private use or for hire.

Manufacturer or dealer to register each style.

Subdivision 7. No motor vehicle shall be used or operated upon the public highways after this act takes effect which shall display thereon a registration seal or number belonging to any other vehicle, or a fictitious registration seal or number.

Fictitious seal or number.

Subdivision 8. No motor vehicle shall be used or operated on the public highways after this act takes effect, unless the owner shall have complied in all respects with this section, except that any person purchasing a motor vehicle from the manufacturer, dealer or other person after this act goes into effect shall be allowed to operate such motor vehicle upon the public highways for a period of five days after the purchase and delivery thereof, *provided* that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

Vehicle not to be operated without seal.

Subdivision 9. The provisions of this section shall not apply to motor vehicles owned by non-residents of this state and only temporarily within this state, *provided* the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as in this section provided.

Not to apply to vehicles owned by non-residents.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Section 3. Subdivision 1. No person shall operate a motor vehicle on a public highway at a rate of speed greater than

Rate of speed.

is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than one mile in six minutes, or elsewhere in any incorporated city and county, city or town at a greater rate than one mile in four minutes, or elsewhere outside of any incorporated city and county, city or town, at a greater rate than one mile in three minutes; subject, however, to the other provisions of this act.

Approach-
ing or
crossing
bridge, etc.

Subdivision 2. Upon approaching a bridge, dam, sharp curve, or steep descent, and also in traversing such bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in fifteen minutes, and upon approaching a crossing of intersecting highways at a speed not greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Warning of
approach
to be given.

Subdivision 3. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other live stock, being ridden, led or driven thereon, a person operating a motor vehicle shall give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and, in the case of horses or other live stock, to prevent frightening the same.

When
vehicle
to be
brought to
a stop.

Subdivision 4. A person operating a motor vehicle shall, at request or on signal by putting up the hand, from a person riding, leading or driving a restive horse or horses, or other live stock, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; *provided*, that in case such horse or animal appears badly frightened or the person operating such motor vehicle is requested to do so, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure safety to others.

In case of
accident.

Subdivision 5. In case of accident or injury to a person or property on the public highways, due to the operation thereon of a motor vehicle, the person operating such vehicle shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

Highway
may be
set aside
for speed
tests.

Subdivision 6. Local authorities may, notwithstanding the other provisions of this section, set aside for a given time a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Section 4. Subdivision 1. Whenever a person operating a motor vehicle shall meet on a public highway any other person

riding or driving a horse or horses or other live stock, or any other vehicles, the person so operating such motor vehicle shall reasonably turn the same to the right of the center of such highway so as to pass without interference. Any such person so operating a motor vehicle, shall, on overtaking any such horse, live stock or other vehicle, pass on the left side thereof, and the rider or driver of such horse, live stock or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left. Nothing in this subdivision shall, however, be construed as limiting the meaning or effect of the provisions of section three of this act.

Subdivision 2. Every motor vehicle, while in use on a public highway shall be provided with good and efficient brakes, and also with suitable bell, horn or other signal, and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction towards which such vehicle is proceeding, showing the registered number of the vehicle in separate arabic numerals, not less than one inch in height and each stroke to be not less than one quarter of an inch in width, and also a red light visible in the reverse direction.

Subdivision 3. Subject to the provisions of this act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways, or excluding or prohibiting any motor vehicle whose owner has complied with section two of this act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed than herein specified at which such vehicles may be operated, or the use of the public highways, contrary or inconsistent with the provisions of this act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; *provided, however*, that the local authorities of incorporated cities and counties, cities and towns may limit by ordinance, rule or regulation hereafter adopted the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all other vehicles, such speed limitation not to be in any case less than one mile in six minutes and on further condition that such incorporated city and county, city or town shall also have placed conspicuously on each main public highway where the boundary of such municipality crosses the same and on every main highway where the rate of

Duty of operator when meeting team, etc.

Brakes and horn to be provided.

Lamps.

Local ordinances not to be passed.

Local speed regulations must include all vehicles.

Signs on public streets.

speed changes, signs of sufficient size to be easily readable by persons using the highway, bearing the words "Slow down to _____ miles" (the rate being inserted) and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation shall fix the penalties for violation thereof similar to and no greater than those fixed by such local authorities for violation of speed limitation by any other vehicles than motor vehicles, which penalties shall during the existence of the ordinance, rule or regulation supersede those specified in section six of this act, and *provided further* that nothing in this act contained shall be construed as limiting the power of local authorities to make, enforce and maintain further ordinances, rules or regulations affecting motor vehicles which are offered to the public for hire.

Rate of speed in public parks.

Subdivision 4. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any public park or parkways, but in that event, must be signs at each entrance of such park and along such parkway, conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for burial of the dead.

Civil suits for injuries.

Subdivision 5. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employé or agent.

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Violations of act, a misdemeanor.

Section 6. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days, or both, for the first offense; and punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding thirty days, or both, for a second offense; and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars or imprisonment not exceeding thirty days, or both, for a third or subsequent offense.

SEC. 5. A new section is hereby added to said act, to be numbered 8a, and to read as follows:

Employés of motor vehicle department.

Section 8a. For the purpose of carrying out the purposes of this act, and the act of which this act is amendatory, the secretary of state may appoint a chief clerk and cashier of the motor vehicle department, in the office of the secretary of state, and one other clerk.

SEC. 6. This act shall take effect immediately.

CHAPTER 501.

An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled "An act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That there be, and is hereby, created a board of examiners in veterinary medicine, to be appointed by the governor of the State of California, which shall consist of five reputable practitioners of veterinary medicine who shall have graduated from some college authorized by law to confer degrees, each of whom shall have been a bona fide resident of said state for three years last past before appointment, and each, during said period, shall have been actually engaged in the practice of his profession in said state. The appointments first made shall be one for one year, one for two years, one for three years, and two for four years, and thereafter appointments shall be made for a period of four years, except appointments to fill vacancies, in which case the appointments shall be made for the remainder of the unexpired terms; *provided*, that the governor may, in his judgment, remove any member of said board for neglect of duty or other sufficient cause, after due notice and hearing.

Board of examiners in veterinary medicine.

Term of office.

Removals.

SEC. 2. That the said board of examiners in veterinary medicine shall elect a president, vice-president, secretary, and such other officers as shall be necessary. The secretary of said board shall have power to administer oaths or affirmations upon such matters as pertain to the business of said board, and any person willfully making any false oath or affirmation shall be deemed guilty of perjury; and said board shall make, alter, or amend, subject to the approval of the governor, such rules and regulations as may be necessary to carry into effect the provisions of this act, and shall hold such meetings as shall be necessary for the transaction of business, and shall issue all licenses to practice veterinary medicine in the State of California. Said board shall keep an official record of its

Organization of board.

Official records.

meetings, and also an official register of all applicants for licenses, which register shall show the name, age, place, and duration of residence of each applicant, the time spent in the study of veterinary medicine in and out of medical schools, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures, and it shall also show whether said applicant was rejected or licensed under this act, and said register shall be prima facie evidence of all matters contained therein. The board shall have the power to require any or all officers of said board to give a bond to the State of California in such form and penalty as it may deem proper. The said board shall in the month of July in each year submit to the governor a full report of its transactions during the twelve months immediately preceding.

Bonds of officers.

Applications for license to practice.

SEC. 3. That from and after the passage of this act all persons desiring to practice veterinary medicine or any branch thereof in the State of California, or who shall desire to hold themselves out to the public as practicing veterinary medicine or any branch thereof in the State of California, shall make application to said board of examiners in veterinary medicine for a license so to do. Application for this purpose shall be upon a form furnished by said board, and shall be accompanied by satisfactory evidence of good moral character, and by a diploma from some veterinary college authorized by law to confer the same, which college shall require at least two sessions of study of veterinary medicine of not less than six months each prior to the issue of such diploma, and graduates of two-year colleges shall accompany their diplomas by satisfactory evidence that they have practiced veterinary medicine for five years last past subsequent to the issue of such diplomas. Every person applying to the board of examiners in veterinary medicine for a license to practice veterinary medicine shall pay to the board a fee of \$10, which fee in no case shall be refunded, and from the fund thus created the board shall pay such necessary expenses as it may incur. Such expenses shall not exceed in any one fiscal year the amount of fees collected during that period, but if any balance remain after paying all such expenses it shall be paid into the state school fund, except as hereinabove provided. Said board shall, by means of examinations, ascertain the professional qualifications of all applicants for license to practice veterinary medicine in said state, and shall issue such licenses to all who are found by such examinations to be, in the judgment of said board, competent to so practice; and no such license shall be issued to any person who has not so demonstrated his competence, except as hereinafter otherwise provided. Such examinations shall be held in January, April, July, and October of each year, and shall include all such subjects as are ordinarily included in the curricula of veterinary colleges in good standing, but examinations may be held at such other times and include such other subjects as said board shall authorize and direct. Said board shall number consecu-

Application fee.

Examinations.

When examinations to be held.

tively all applications received, note upon each the disposition made of it, and preserve the same for reference, and shall number consecutively all licenses issued.

SEC. 4. That said board of examiners, so far as may be possible, shall make arrangements with analogous boards of the several states and territories whereby due credit for state and territorial licenses will be allowed in the State of California to such licentiates of said boards as desire to secure licenses to practice veterinary medicine in this state, and whereby licentiates of the board of examiners in veterinary medicine in the State of California will secure due credit for licenses issued by said board whenever such licentiates desire to secure licenses to practice veterinary medicine in any state or territory; but no arrangements shall be made under the provisions of this section which will be liable to lower the standard of practice of veterinary medicine in the State of California, and no arrangement for the mutual recognition of licenses shall be valid until it has been approved by the governor of the State of California.

Arrangements with boards of other states.

SEC. 5. That any person having been examined by said board of examiners in veterinary medicine and having been refused a license as the result of such examination may, within thirty days after formal notification of such refusal, appeal from the decision of said board. Such appeal must be in writing, addressed to the governor of the State of California, setting forth the ground upon which it is based, and accompanied by a deposit of \$30. If, after examination of said appeal, the governor deem it proper, he shall appoint a board of review, consisting of three practitioners of veterinary medicine having qualifications similar to those required of members of the regular board of examiners in veterinary medicine, which board shall review the examination of appellant, and if they deem necessary reexamine him and report their finding to the governor; and such finding shall be final and binding upon all parties concerned, and if favorable to the appellant the board of examiners in veterinary medicine shall issue to him a license to practice veterinary medicine in said state. Each member of said board of review shall be paid a fee of not more than \$10 for each candidate examined, payment to be made from the deposit of the appellant if the finding is adverse to him, but otherwise from the funds of the board of examiners. If favorable, the amount deposited shall be returned to the appellant.

Appeal of applicant when license has been refused.

Board of review.

SEC. 6. That every person practicing veterinary medicine in the State of California, or representing himself or permitting himself to be represented as so practicing, shall display or cause to be displayed conspicuously in his usual place of business his license to practice in said state. Said place of business shall, during all reasonable hours, be open to inspection by any representative of the police department or of the board of examiners in veterinary medicine of said state, so far as may be necessary to examine such licenses, and it

License must be displayed.

shall be unlawful for any person to interfere with any inspection made or intended to be made for this purpose.

Practicing
veterinarian
defined.

SEC. 7. That from and after the passage of this act any person shall be regarded as practicing veterinary medicine in the State of California who shall, in said state, append or cause to be appended to his name the letters V. S., D. V. M., V. M. D., M. D. V., M. D. C., D. V. S., or M. R. C. V. S., or the words "veterinary," "veterinarian," "veterinary surgeon," or "veterinary dentist," "veterinary farrier," "veterinary horseshoer," "horse dentist," or "horse doctor," or who shall prescribe, advise, or apply any drug or medicine or other agency, or who shall perform any operation for the treatment, relief, or cure of any sick, diseased, or injured lower animal, or for commercial purposes, or who shall publicly profess to do any of these things, and shall charge or receive therefor money or other compensation, directly or indirectly; *provided*, nothing in this act shall be construed to prohibit members of the medical profession from prescribing for domestic animals in case of emergency, and collecting a fee therefor, nor to prohibit gratuitous services in an emergency, nor to prevent any person from practicing veterinary medicine on any animal belonging to himself or herself.

Present
rights not
affected.

SEC. 8. That this act shall not affect the rights under the laws of the State of California of veterinarians to practice veterinary medicine who have lawful rights to practice veterinary medicine at the time of the passage of this act; *and provided further*, that this act shall not apply to veterinary surgeons in the employ of the United States army, nor to regularly licensed veterinarians in actual consultation from other states, nor to regularly licensed veterinarians actually called from other states to attend cases in the State of California, but who do not open an office or appoint a place to do business within said state, nor to employes of licensed veterinarians legally qualified to practice as such under the provisions of this act.

License
may be
suspended
or revoked,
when.

SEC. 9. That the board of examiners in veterinary medicine hereby created may, by a vote of four members, revoke or suspend for a certain time the license of any person to practice veterinary medicine or any branch thereof in the State of California after notice and hearing, for any of the following causes, namely: The employment of fraud or deception in passing the examinations or in obtaining a license, chronic inebriety, or conviction of crime involving moral turpitude. The form of complaint, the form and length of notice, and the time and procedure of hearing charges against any licensee for any of the above causes shall be as near as possible according to the provisions of Title XI of the Code of Civil Procedure and the president of the board shall sign all papers, writs and process.

Violation
of act a
mis-
demeanor.

SEC. 10. That any person who shall violate or aid or abet in violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall

be punished by a fine of not more than \$200 or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

SEC. 11. That three members of the board of examiners in veterinary medicine in the State of California shall constitute a quorum for the transaction of business at any meeting of the board, except as provided in section 9 of this act. Quorum
of board.

SEC. 12. That this act shall take effect immediately, and all laws in conflict with this act are hereby repealed.

CHAPTER 502.

An act to repeal title sixteen, of part four, of division first, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new title sixteen, to take the place thereof in said code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Title sixteen, of part four, of division first, of the Civil Code of the State of California, and each and every part and section thereof, is hereby repealed, and a new title sixteen is hereby enacted and substituted to take the place thereof in said code, to read as follows: Building
and loan
associa-
tions.

TITLE XVI.

BUILDING AND LOAN ASSOCIATIONS.

- Section 633. Formation, powers, and organization.
 634. Capital stock.
 635. Retiring free shares.
 636. Maturity of stock.
 637. Loans—Prohibitions—Penalties.
 638. Interest—Securities—Repayment of loans.
 639. Arrears in payments—Default—Forfeitures.
 640. Purchase of real estate.
 641. Profits and losses.
 642. Withdrawals.
 643. Membership.
 644. State supervision and control.
 645. Annual report.
 646. Foreign corporations—Deposit by.
 647. Investment in and loans upon bonds.
 648. Definition of building and loan association.

633. Building and loan associations as hereinafter in this title defined, shall have power to receive money and accumulate funds to be loaned, and to loan the same to their shareholders, investors and others; to permit shareholders and Powers.

investors to withdraw part or all of their payments, investments or stock deposits, and to prescribe the terms and conditions of such withdrawal; to cancel shares of stock, the payments on which have been withdrawn; to receive deposits of money and to execute certificates therefor, which must specify the date, amount, rate of interest, and when the principal and interest are payable, and also the withdrawal value thereof at the end of each year; to borrow money for the purpose of making loans and of paying withdrawals and maturities; and shall have such further powers as may be specifically set forth under this title.

What articles of incorporation must state.

Every such corporation hereafter formed, in setting forth the purposes for which it is formed, shall state, in its articles of incorporation, that it is formed to encourage industry, frugality, home building, and savings among its shareholders and members; the accumulation of savings; the loaning to its shareholders and members of the moneys or funds so accumulated, with the profits and earnings thereon, and the repayment to each, of his savings and profits, whenever they have accumulated to the full par value of the shares, or at any time when he shall desire the same or when the corporation shall desire to repay the same, as may be provided in the by-laws; and shall also state that it is formed for all the purposes specified in this title.

Capital stock.

634. The capital stock 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 stockholders in the manner provided by the by-laws. All such payments shall be called dues. The shares shall be issued in such amounts and at such times as the board of directors shall determine, and certificates of stock shall be issued to each shareholder on the first payment of dues by him. Shares pledged as security for the repayment of a loan shall be called pledged shares, and all others, free shares. All stock matured and surrendered or canceled, shall become the property of the corporation and may be re-issued. The capital stock shall consist of the accumulated dues together with the apportioned profits of the corporation.

Fines.

Any such corporation shall have power, by its by-laws, to impose and collect a fine from each stockholder, not exceeding five per cent of the defaulted amount, for every neglect or refusal to make his payment when payable. Such fines shall not be cumulative.

Fees.

Every such corporation shall also have power, by its by-laws, to charge an entrance or withdrawal fee, for each share of stock it may issue, not exceeding one dollar on each share, and also to charge a transfer fee, not exceeding ten cents on each share, all of which fees shall be accounted for by the corporation like other funds of the association. No other fee, charge or deduction shall ever be made, or permitted to be made against any shareholder, or against any of his shares hereafter issued, or the dues paid in thereon for the purpose

of creating a fund to be used in the payment of current or running expenses.

The capital stock may be issued in any or all of the following forms: installment stock, paid-up stock, and guarantee stock. Installment stock shall be stock on which the member or holder must pay to the corporation on each share held by him, dues in such amounts and at such times as the by-laws may provide and on which the payment of dues must continue on each share until, with the profits allotted thereto, it reaches its matured value or is withdrawn or canceled. Such stock may be issued in series, and when so issued, payment of dues on shares in each series shall commence with the issue of shares in such series. No share of a prior series shall be issued after the issue of shares of a new series, except by way of transfer.

Forms of stock.

Installment stock.

Paid-up stock shall be stock for and upon which the owner shall have paid to the corporation, the full par value thereof in cash at the time of subscription therefor, and upon which he shall be entitled either to full participation in the net profits of the corporation, or to an agreed rate of interest or dividend to be specified in the stock certificate, but not to exceed six per cent per annum. All such stock shall be issued under such regulations as may be provided in the by-laws and fully set forth in each certificate.

Paid-up stock

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 subject 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.

Guarantee stock.

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.

635. The directors may in their discretion, under the regulations prescribed by the by-laws, retire any free shares of stock, other than those of the guarantee stock, by enforcing the withdrawal thereof, but whenever the withdrawal of any shares is to be enforced, the holders thereof must be paid the amount actually paid in, and the full amount of earnings at the date of retirement; *provided* that shares of installment stock shall not be forced out until after they shall have become four years old.

Retiring free shares.

636. When any stock shall have reached its matured value, payment of dues thereon shall cease. Borrowing stockholders whose loans are fully paid shall have their securities released and returned to them. Holders of free shares of stock shall be paid the matured value thereof out of the funds of the corporation, with interest at such rate as the by-laws shall provide, from the time the board of directors shall declare such shares to have been matured, until paid; but at no time shall more than one half of the receipts of

Matured stock.

the corporation be applicable to the payment of matured shares without the consent of said board. The order of the payment of matured shares, if not otherwise determined by the by-laws, shall be in the numerical order of issuance.

Loans.

637. Loans may be made on such terms and conditions as may be prescribed by the board of directors or the by-laws. Loans may be made for a definite time on the installment plan. The number of installments in which a loan with agreed interest is to be repaid, must be stated in the note or obligation evidencing the loan, and when the payments have been made in accordance with the contract, the borrower shall receive a release of the security given by him.

Prohibitions.

It shall be unlawful for any director or officer of any corporation governed by this title, directly or indirectly, for himself, or as a partner or agent for others, to borrow any of the funds of such corporation, and any officer or director violating the provisions of this section shall be guilty of a felony. Any officer or director of any such corporation who consents on behalf of such corporation to make a loan to any officer or director of such corporation shall be guilty of a felony, and shall also be personally liable to the corporation for the full amount thereof.

Penalty.

It shall be unlawful for any building and loan association to loan any of its funds upon any of its own guarantee stock as security. Any officer or director of an association who shall make any such loan for and on behalf of any such association shall be personally liable to the corporation for the full amount thereof, and shall also be deemed guilty of a felony.

It shall be unlawful for any building and loan association to loan any of its funds upon any of its own guarantee stock as security. Any officer or director of an association who shall make any such loan for and on behalf of any such association shall be personally liable to the corporation for the full amount thereof, and shall also be deemed guilty of a felony.

It shall be unlawful for any such corporation to invest any of its funds in, or loan any of its funds upon, any mining shares or mining stocks or the stocks or bonds of any corporation, except as in this title provided. Every officer or director who, on behalf of any such corporation shall make any such investment or loan, or who shall consent thereto, shall be personally liable to the corporation for the whole amount expended by the corporation in such investment or upon such loan, and shall also be deemed guilty of a felony.

Rate of interest, security.

638. The board of directors may fix from time to time the rate of interest on loans. For every loan made, a note or obligation, secured by a first mortgage or deed of trust upon unincumbered real estate, shall be given, accompanied by a pledge to the association of shares of stock, as collateral security for the repayment of the loan, the matured value of which shall equal the amount of the loan, except that there need be no such pledge in loans made to others than members; or, in lieu of a mortgage or deed of trust, there may be pledged to the association, for the payment of the loan, free shares, but any such loan must not exceed ninety per cent of the withdrawal value of such shares under the by-laws, at the time of such borrowing. At the discretion of the board of directors, a borrower may repay, at any time, the loan with all interest and arrears thereon, upon the surrender of the shares pledged to secure the loan.

Repayments.

639. Whenever any non-borrowing member shall be six months in arrears in the payment of his dues upon free shares, the secretary may give him notice thereof in writing, and a statement of his arrearages, by mailing the same to him at his last post office address given by him to the association; and if he shall not pay all arrearages within two months thereafter, the board of directors may, at their option, declare his shares forfeited, and at the time of such forfeiture, the withdrawal value thereof shall be determined and stated, and the defaulting member shall be entitled to withdraw the same without interest, upon such notice as shall be required of a withdrawing shareholder. Whenever a borrower shall be three months in arrears in the payment of his dues or interest or loan installments, the whole loan shall become due at the option of the board of directors, and they may proceed to enforce collection upon the securities held by the association. The withdrawal value, at the time of exercising such option, of all shares pledged as collateral security, shall be applied to the payment of the loan, and said shares from that time shall be deemed surrendered to the association and canceled.

Arrears in
payments.For-
feitures.

640. Any such association may purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment, lien, or other incumbrance, or in which it may have an interest, and may sell, convey, lease, or mortgage the same at pleasure to any person or persons.

Purchase
of real
estate.

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.

Profits
and losses.

Every such corporation having a paid-in guarantee capital stock, may provide in their 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 semi-annual 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 fifty per cent of the paid-in guarantee stock.

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,

With-
drawals.

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 or withdrawal 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.

Member-
ship.

643. Any person of full age and sound mind may become a member of an association by taking one or more shares therein and subscribing to the by-laws, and annexing to his signature his post office address. A minor may hold shares in the name of a parent, guardian, or next friend, as trustee. The shares of stock in any such corporation held by any person, to the extent of one thousand dollars, shall be exempt from execution.

Super-
vision and
control.

644. All building and loan associations, as in this title defined, doing business in this state, shall be under the supervision and control of such official or officials as are by law vested therewith; and except in the manner provided in this title, no corporation, firm, or association shall conduct or carry on the business of accumulating the savings of its shareholders, members, or investors, and loaning such accumulations to them, in the manner of building and loan associations.

Annual
report.

645. Every association organized under the provisions of this title, and every other association doing a similar business, shall annually make a full report, in writing, of the affairs and condition of such corporation, within thirty days after its annual meeting, to the official or officials vested with powers of state supervision and license. Such reports shall be verified by the oath of the officers making the same, and a copy of the same shall be delivered to every stockholder, from the office of the corporation, who may call for such report. Every association shall make any further reports which the said official or officials may require, and in such form and as to such matters relating to the conduct of the business of the association as such official or officials may designate. Any willfully false statement in making and verifying said report shall be perjury. Any such association which shall fail to furnish the said official or offi-

Further
reports.

cials any such report required, within thirty days after demand, shall forfeit the sum of ten dollars per day for every day such report shall be delayed or withheld, which may be recovered in an action brought by the attorney-general in the name of the people of this state; and all moneys so recovered shall be paid to the treasurer of this state, who shall pay the same into such fund as may be provided by law, for the purposes of the official or officials vested with power of supervision and license.

646. No building and loan association, or company, association, or corporation, organized under the laws of any other state or territory, to carry on a business of a like character to that authorized by this title, shall be allowed to do business, or to sell their stock in this state, without first having deposited with the state controller or treasurer the sum of fifty thousand dollars in money, or in United States bonds or municipal bonds of this state, or in mortgages upon real estate located within this state, as a guarantee fund for the protection and indemnity of residents of the State of California, with whom such companies, associations, or corporations shall do business; the fund so deposited to be paid by the custodian thereof, to the residents of California only, and not then until proof of claim by final judgment has been filed with the custodian of said fund against such foreign company, association, or corporation. Any of the securities so deposited may be withdrawn at any time upon others herein provided for, of like amount, being substituted therefor.

Foreign corporations, deposit required.

Any person or persons who shall be found in this state as agent, or in any other capacity, representing such foreign company, association, or corporation, which has not complied with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail, not exceeding twelve months, or by both such fine and imprisonment.

Agents of foreign corporations.

647. Any building and loan association may invest in or loan upon bonds of the United States, of the State of California, or of the counties or municipalities or school districts of said state, but not to exceed twenty-five per cent of its capital.

Investment in bonds.

648. The name "building and loan association" as used in this title shall include:

First. Corporations formed for the purpose of receiving money from, and loaning money to, their members only.

Building and loan associations defined.

Second. Corporations, associations, companies, co-partnerships, and individuals transacting the business of issuing or selling bonds, debentures, certificates, shares of stock, or other papers, by whatever names said instrument may be designated, whether said instruments are issued for money paid in advance or for money to be paid in installments; *provided, always*, that this section does not include persons, co-partnerships, or corporations engaged in any kind of banking business.

SEC. 2. Nothing contained in this act shall alter, impair, or render void any certificate of stock heretofore issued or contract heretofore made by any such corporation.

Status of present contracts.

SEC. 3. All acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after the first day of July, one thousand nine hundred and seven.

CHAPTER 503.

An act to repeal an act entitled, "An act to further define the powers of the board of trustees of the city of Sacramento," approved March 22, 1886.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repealed. SECTION 1. An act entitled "An act to further define the powers of the board of trustees of the city of Sacramento," approved March 22, 1886, is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 504.

An act to repeal section two of an act entitled, "An act relating to streets and roads in the city and county of Sacramento," approved, March 22, 1874.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repealed. SECTION 1. Section 2 of an act entitled "An act relating to streets and roads in the city and county of Sacramento," approved March 22, 1874, is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 505.

An act to amend section sixteen (16) of an act entitled "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the attorney-general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21st, 1905, relating to and providing for reports to building and loan commissioners and the publication thereof.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Section 3 of an act entitled "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the attorney-general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and

Building
and loan
super-
vision.

expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21st, 1905, is hereby amended to read as follows:

Salaries of
commiss-
sioners and
secretary.

Section 3. The commissioners shall each receive a salary of twenty-four hundred dollars per annum, and their secretary shall receive a salary of not exceeding eighteen hundred dollars per annum. There shall also be allowed and paid the necessary traveling expenses of the commissioners and their secretary, not to exceed the sum of two thousand dollars per annum. The commissioners shall procure and have an office in the city of San Francisco, for which there shall be allowed and paid a rental of not exceeding one hundred dollars per month, and such office shall be kept open for business, every business day, during such hours as are commonly observed by the banks of that city as banking hours; they may also provide such fuel, stationery, printing, postage, office help and other necessary conveniences as may be requisite in such office, at a cost not to exceed in the aggregate, the sum of five hundred dollars per annum. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state officers.

Office.

Salaries
and
expenses,
how paid.

CHAPTER 506.

An act to amend 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, and as amended March 20, 1905.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of 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, and as amended March 20, 1905, is hereby amended to read as follows:

State vet-
erinarian,
office
created.

Section 1. The office of the state veterinarian of the State of California is hereby created. It shall be the duty of the governor, within sixty days from and after the passage of this act, to appoint a skilled veterinary surgeon for the State of California to fill said office of state veterinarian, who at the date of such appointment shall be a graduate in good standing of a recognized college of veterinary surgery, legally qualified

to practice as such in this state, and who shall hold his said office at the pleasure of the governor. The salary of said veterinary surgeon shall be three thousand dollars per annum, Salary. and his necessary expenses incurred in the discharge of his duties hereinafter provided for. In making said appointment it shall be the duty of the governor to disregard political affiliations, and be guided in his selection merely by the professional and moral qualifications of said veterinary for the performance of his duties.

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

Section 2. It shall be the duty of the state veterinarian, Duty of state veterinarian. provided for in the first section of this act, to protect the health of all domestic animals of the state from all contagious and infectious diseases, so far as practicable, and for the purpose he is hereby authorized and empowered, by and with the approval of the governor, to establish, maintain, and enforce such quarantine, sanitary, and other regulations as he may deem necessary as to stock passing over any quarantine line existing, or which may be established within the state, and all such stock so moving shall be inspected by him, and he shall issue his certificate of state inspection, unless such stock shall have been, immediately prior to such moving, inspected by an officer or agent acting under the laws of the United States. Whenever it may be necessary to carry out and give effect to the provisions of this act, the governor is hereby authorized Assistant veterinarian. and empowered to appoint an assistant state veterinarian, at a salary of eighteen hundred dollars per annum, and his necessary expenses incurred in the discharge of his duties, whose tenure of office shall be determined and fixed by the governor.

SEC. 3. This act shall take effect immediately.

CHAPTER 507.

An act to amend sections fourteen hundred and sixty-six and fourteen hundred and sixty-eight of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1466. If the property set apart is insufficient for the support of the widow and children, or either, the court or a judge thereof Court may make extra allowance. must take such reasonable allowance out of the estate as shall be necessary for the maintenance of the family, according to their circumstances, during the progress of the settlement of

the estate, which, in case of an insolvent estate, must not be longer than one year after granting letters testamentary or of administration.

SEC. 2. Section fourteen hundred and sixty-eight of said code is hereby amended to read as follows:

Property set apart, how apportioned.

1468. When property, other than the homestead selected and recorded during the lifetime of the decedent, is set apart to the use of the family, in accordance with the provisions of this chapter, such property, if the decedent left a surviving spouse and no minor child, is the property of such spouse. If the decedent left also a minor child or children, the one half of such property belongs to the surviving spouse, and the remainder to the child, or in equal shares to the children, if there are more than one. If there is no surviving spouse, the whole belongs to the minor child or children. If the property set apart is a homestead, selected from the separate property of the decedent, the court can set it apart only for a limited period, to be designated in the order, and, subject to such homestead right, the property remains subject to administration.

CHAPTER 508.

An act to add a new section to the Political Code to be numbered section eighteen hundred and eighty-eight a, relating to the levy of taxes for the payment of school district bonds.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered section eighteen hundred and eighty-eight a, and to read as follows:

Change of boundaries of school districts, liability for indebtedness.

1888a. When school districts are created or abolished or the boundaries thereof are changed, the liability to taxation for the outstanding bonded indebtedness thereof as herein-after set forth, and the authorities whose duty it is to levy taxes for the payment of principal and interest on said bonds shall levy the same upon the districts affected in such proportions as are herein provided, or are determined under the authority hereof.

Merged districts.

Subdivision One. When any school district is united or in any manner merged with one or more school districts so as to form a single district, the district so formed is liable for all the outstanding bonded indebtedness of the districts so united, or merged.

Annexed districts.

Subdivision Two. When territory is taken from one school district and annexed to another, such territory thereby becomes liable to taxation for the bonded indebtedness of the district to which it is annexed, and the board of supervisors

of the county in which such territory is situated shall, by order entered on its minutes within sixty days after the change, determine what proportion of the outstanding bonded indebtedness of the district from which it was taken was incurred for the acquisition or improvement of school lots or buildings or fixtures therein situated in the territory so transferred, and the district to which such territory was annexed shall thereupon become liable for the proportion of such indebtedness so determined.

Subdivision Three. When any new school district shall be formed from a portion of the territory of one or more existing districts, either by incorporation of a city or town, or under section 1577 of this code, or otherwise, the board of supervisors of the county shall, within sixty days after the formation of such new district, by order entered on its minutes, determine what proportion of the outstanding bonded indebtedness of the district or districts out of which the said new district is formed was incurred for the acquisition or improvement of school lots or buildings or fixtures therein situated in such new district, and the said new district shall thereupon become liable for the proportion of such indebtedness so determined. In the case of joint districts the board of supervisors of each county shall determine such liability as to the territory in its county.

SEC. 2. This act shall take effect immediately.

CHAPTER 509.

An act to amend section two of an act entitled "An act to provide for the establishment, maintenance and support of a bureau to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau, and to provide for the appointment, duties and compensation of a state mineralogist, who shall perform the duties of his office, under the control, direction and supervision of the board of trustees of the state mining bureau," approved March 23, 1893, relating to the compensation of the board of trustees of the state mining bureau.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of an act entitled "An act to provide for the establishment, maintenance and support of a bureau, to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the

board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau, and to provide for the appointment, duties and compensation of a state mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the state mining bureau," approved March 23, 1893, relating to the compensation of the board of trustees of the state mining bureau, is hereby amended to read as follows:

Board of trustees.

Section 2. The appointees shall take the same oath of office as other state officers, and when duly qualified and assembled, shall constitute the board of trustees of the state mining bureau. They shall hold office for four years from the date of their appointment, or until the qualification of their successors, and shall receive no compensation for their services.

Expenses.

They shall receive their necessary traveling expenses when attending regular meetings of said board, said traveling expenses to be approved and audited by the state board of examiners. The said expenses shall be paid out of the mining bureau fund and not otherwise.

Duties and powers of board.

They shall have control of all properties and funds of said bureau, and shall have the power by the name of said board to sue and defend. Three of them shall constitute a quorum for the transaction of business. They shall elect one of their number to be president of said board, and shall keep a record of their proceedings. They shall adopt rules and regulations for their government not in conflict with the laws of the state.

SEC. 2. This act takes effect and is in force from and after its passage.

CHAPTER 510.

An act amendatory of and supplemental to an act entitled "An act amendatory of and supplemental to an act entitled 'An act to authorize and direct the county judges of the several counties of this state to execute certain trusts in relation to the town lands granted to the unincorporated towns in this state by the act of congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands,'" (approved March 2, 1867, approved March 30, 1868, approved March 12, 1885).

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to said act entitled "An act amendatory of and supplemental to an act entitled 'An act to authorize and direct the county judges of the several counties of this state to execute certain trusts in relation to the town lands granted to the unincorporated towns

in this state by the act of congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands,' '' (approved March 2, 1867, approved March 30, 1868; approved March 12, 1885,) to be numbered section 24a and to read as follows:

24a. In all cases where a contest has been instituted against the entry of any townsite by a county judge, superior judge, or judge of a superior court, in accordance with the provisions of the act to which this act is amendatory and supplementary, and by reason of such contest the occupants of such townsite, or claimants of any portion thereof, have failed to comply, or have been prevented from complying with the provisions of section 8 or other portions of the act to which this act is amendatory and supplementary, such occupants or claimants, or their successors in interest, may file the application provided for by said section 8 at any time within six years after the determination of such contest or the issuance of patent for such townsite by the government of the United States, and it shall be the duty of the county judge, superior judge, or judge of the superior court, within the period of time prescribed by this act to publish or post the notice provided for in section 12 of the act to which this is amendatory and supplementary; *provided*, that in such case, if any person, corporation, firm or association, or other claimants of lands in such town shall fail, neglect or refuse, to make application to the county judge, superior judge, or judge of the superior court, for a deed of conveyance of the lands so claimed, and to pay the sum of money specified in said act to which this act is amendatory and supplementary, within one year, after the date of the notice given by such judge, as set forth in this section, then such judge shall proceed to sell the lands claimed by such parties as provided by sections 12, 13 and 14, of an act to which this act is amendatory and supplementary. Wherever in this act and in the act to which this act is amendatory and supplementary the term superior judge is used it shall be construed to mean judge of the superior court.

Where
contest
has been
instituted
against
entry of
townsite,
pro-
ceedings.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 511.

An act to authorize, empower, and direct the governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Collection of claims of State of California against United States, employment of attorneys for.

Terms of employment.

SECTION 1. The governor of the State of California is hereby authorized, empowered, and directed to employ Jackson H. Ralston, Frederick L. Siddons and William E. Richardson, of Washington, D. C., attorneys transacting business under the firm name and style of Ralston and Siddons, as the counsel, agent, and attorney of the State of California for the purpose of using all and due ways and means, course, diligence, and process, as well at law as in equity, on behalf of the State of California, to prosecute, pursue, and collect all and all manner of debts and claims of the State of California against the United States of America, and generally to act and transact in the name of and for the sole use and benefit of the State of California, all matters and things of whatsoever nature proper and necessary to be done in order fully to prosecute, collect, have, and recover from the United States all and all manner of claims whatsoever now subsisting, made or to be made against the United States by the State of California for or on account of any matter or thing occurring heretofore. The employment aforesaid shall be upon such terms, covenants, and conditions that the said firm of Ralston and Siddons, their successors and assigns, shall give their best professional services, skill, and time to the interests of the State of California and shall receive, have, and take for all their services the sum of ten (10) per centum of the amount of all the claims of the State of California which may be recovered hereafter by or through the said firm as agents, counsel, and attorneys for the State of California, over and above the sum of two hundred thousand (\$200,000.00) dollars, lawful money of the United States of America, recoverable by the State of California from the United States of America pursuant to that certain act entitled, "An act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same, approved March 24, 1903, and set out in the statutes of the State of California, 1903, at pages 397 and 398." It shall be expressly under-

stood, covenanted, and agreed that all compensation for the employment of the said firm of Ralston and Siddons, their successors and assigns, shall be contingent upon the actual payment of the money claimed and recovered into the treasury of the State of California and shall be due and payable only and immediately after the amount recovered from the United States of America shall be paid into the treasury of the State of California, or as soon thereafter as may be. Ten (10%) per centum of the amount of all said claims actually paid into the treasury of the State of California, over and above the said two hundred thousand (\$200,000.00) dollars hereinabove mentioned, is hereby appropriated and granted out of the amount of all the claims recovered from the United States of America, whenever and as soon as the same is paid into the treasury, for the purpose of paying the firm of Ralston and Siddons as herein provided; and the controller of state is hereby authorized to draw his warrant for the amount of the compensation of the said firm of Ralston and Siddons whenever and as soon as payment by the United States of America to the State of California is made, and the treasurer of state is hereby directed to pay the same; and in the event the United States of America shall pay some or some part of the claims of the State of California at one time and some or some part thereof at another time, then and in that event the controller of state is hereby authorized and directed to draw his warrants for the compensation of the said firm of Ralston and Siddons from time to time as the compensation shall accrue and be earned by reason of a payment of money into the treasury of the State of California by the United States of America on account of any claim of the State of California. The State of California shall not at any time or under any circumstances be held liable for any cost, expense, or disbursement whatsoever in, for, or about the said claims or any of them, or the prosecution or collection thereof; and all the cost, expense, and disbursement necessary and proper therein or therefor shall be made, maintained, and discharged by the said Ralston and Siddons at their own proper cost and expense. Nothing in this act or elsewhere contained shall be deemed or construed to supersede the employment of any other person, agent, attorney or counsel, by the State of California prior hereto, or the full and true payment to them or any of them of due compensation for their services by the State of California; and the payment herein provided for shall be made to the said firm of Ralston and Siddons, their successors and assigns, by the State of California in lawful money of the United States of America.

Compensation contingent.

State not liable for any costs.

SEC. 2. Any claim arising against the State of California in favor of the said firm of Ralston and Siddons, their successors and assigns, under the provisions of this act is hereby specially exempted from the operation of section 672 of the Political Code of the State of California.

Claims exempt from audit.

SEC. 3. This act shall take effect immediately.

CHAPTER 512.

An act to amend section thirty-seven hundred and eighty-five of the Political Code of the State of California, relating to the issuance of tax deeds.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-seven hundred and eighty-five of the Political Code is hereby amended to read as follows:

Tax collector's deed to state, what to recite.

3785. If the property is not redeemed within the time allowed by law for its redemption, the tax collector, or his successor in office, must make the state a deed of the property, reciting in such deed the name of the person assessed (when known), the date of sale, a description of the land sold, the amount for which it was sold, that it was sold for delinquent taxes, giving the assessed value and the year of assessment, the time when the right of redemption had expired, and that no person has redeemed the property in the time allowed by law for its redemption. 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. All such deeds shall be recorded in the office of the county recorder of the county wherein the property sold is situated, and said recorder shall make no charge therefor; *provided*, that in counties where the county recorders are paid no salaries, but fees only, such recorders shall receive for filing, recording, and indexing each deed, the sum of seventy-five cents, payable out of the county treasury in the same manner that other claims are paid. The state controller shall provide uniform blank deeds, upon which all conveyances to the state under the provisions of this section shall be made. All such deeds, after being duly recorded, as herein provided, shall be forwarded by the county recorder to the controller. The controller shall record such deeds at length in a book to be provided for that purpose, in which book a marginal space shall be left to show the subsequent disposition of the property by the state; *provided, however*, that when state lands have been sold to the state upon which the full purchase price of one dollar and twenty-five cents per acre has not been paid, the deeds to the state, after being duly recorded as herein provided, shall be forwarded by the county recorder to the surveyor-general and remain on file in his office, and the state shall dispose of such lands in the manner provided in section three thousand seven hundred and eighty-eight. In all cases where land has heretofore been sold to the state for delinquent taxes, the deeds therefor shall be made to the state within one year after this act takes effect; *provided*, five years shall have elapsed after the date of such sale; *provided further*, that in all cases where land has been heretofore sold for delinquent taxes to purchasers other than the State of California, the deed

To be recorded without fee, exceptions.

State lands sold for taxes, duty of surveyor general

therefor must be made within one year after this act takes effect, and unless so made the purchaser shall be deemed to have relinquished all his rights under such sale.

CHAPTER 513.

An act to amend an act entitled an act to provide for the organization and management of county fire insurance companies, approved April 1st, 1897, by amending sections seven, ten, eleven and twelve thereof.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 7 of an act entitled an act to provide for the organization and management of county fire insurance companies is hereby amended to read as follows:

County fire insurance companies.

Section 7. Any person owning property in the county for which any such company is formed or any person owning property in any county adjoining the county wherein such company is formed as hereinafter provided may become a member of such company by insuring therein, and shall be entitled to all the rights and privileges appertaining thereto; and no person not residing in the county in which the company is formed shall become a director of such company.

Qualifications of members.

SEC. 2. Section 10 of an act entitled an act to provide for the organization and management of county fire insurance companies is hereby amended to read as follows:

Section 10. No such company shall insure any property beyond the limits of the county wherein which the company is organized, except that a company may insure in an adjoining county to the amount of fifty-five thousand dollars and no more, where no mutual company exists, or is organized therein, and as soon as a mutual company shall organize therein, said company first insuring, and with its original place of business in an adjoining county, shall, as soon as its policies originally issued expire or shall be canceled, retire therefrom. Nor shall any company issue policies of insurance on any property within the limits of any city containing over six thousand inhabitants, at the time of the organization of such company; *provided* that no dwelling shall be insured within the corporate limits of any city or town exposed by any other building within one hundred feet, or by any other risk other than a dwelling or private barn within two hundred feet of the risk assumed; *provided* that the amount of insurance shall not exceed seventy-five per cent of the value of the property, and that no additional insurance shall be allowed.

Limitations upon risks taken.

SEC. 3. Section 11 of an act entitled an act to provide for the organization and management of county fire insurance companies is hereby amended to read as follows:

Adjustment of losses.

Section 11. Every member of such company who may sustain loss or damage by fire shall immediately notify the president, or in his absence, the secretary thereof, stating the amount of damages or loss sustained or claimed, and if not more than 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 an amount greater than five hundred dollars, then the president of such 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 such company, whose duty it shall be when convened to appoint a committee, of not less than three disinterested members of such company, to ascertain the amount of such damage or loss. If in either case there is a failure of the parties to agree upon the amount of such damage or loss, they shall submit the question of the amount of such loss to arbitration. The president of the company shall appoint one disinterested person to act as an arbitrator, and no 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. Such arbitrators so appointed shall have full authority to examine witnesses, and shall 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 such award so as aforesaid made shall be final as to the amount of the loss sustained.

Arbitration.

Pay of arbitration committee.

The pay of said committee shall be three (\$3.00) 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.

SEC. 3. Section 12 of an act entitled an act to provide for the organization and management of county fire insurance companies is hereby amended to read as follows:

Assessments for deficiency.

Section 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 of said company, who shall make an assessment upon all 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; *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 on first class insurance and a pro rata amount on other classes 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 remains intact.

CHAPTER 514.

An act to amend sections seventeen hundred and fifty, seventeen hundred and fifty-three, seventeen hundred and sixty-three, seventeen hundred and sixty-six, seventeen hundred and sixty-eight, seventeen hundred and seventy-three, seventeen hundred and seventy-six, seventeen hundred and ninety-three, eighteen hundred, eighteen hundred and seven, and eighteen hundred and nine of the Code of Civil Procedure, to repeal sections seventeen hundred and fifty-two and seventeen hundred and seventy-four thereof, and to add a new section thereto, to be numbered seventeen hundred and sixty, all relating to guardians.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section seventeen hundred and fifty of the Code of Civil Procedure is hereby amended to read as follows:

1750. When a guardian has been appointed by the court for a minor under the age of fourteen years, the minor, at any time after he attains that age, may nominate his own guardian, subject to the approval of the court.

Minor may nominate after arriving at fourteen.

SEC. 2. Section seventeen hundred and fifty-two of said code is hereby repealed.

Sec. 1752 repealed.

SEC. 3. Section seventeen hundred and fifty-three of said code is hereby amended to read as follows:

1753. Every guardian appointed has the custody and care of the education of the minor, and the care and management of his estate, until such minor arrives at the age of majority or marries, or until the guardian is legally discharged, unless he is appointed guardian only of the person of the ward. In that event, the guardian is charged with the custody of the ward, and must look to his support, health, and education. He may fix the residence of the ward at any place in the state, but not elsewhere without the permission of the court.

Powers and duties of guardian.

SEC. 4. A new section is hereby added to said code, to be numbered seventeen hundred and sixty, to read as follows:

1760. The power of a guardian appointed by a court is superseded:

When power of guardian is superseded.

1. By order of the court;

2. If the appointment was made solely because of the ward's minority, by his attaining majority;

3. The guardianship over the person of the ward, by the marriage of the ward.

SEC. 5. Section seventeen hundred and sixty-three of said code is hereby amended to read as follows:

1763. When it is represented to the superior court, upon verified petition of any relative or friend, that any person resident of the county is insane, or from any cause mentally incompetent to manage his property, such court must cause a

Guardians of insane and incompetent persons.

notice to be given to the supposed insane or incompetent person of the time and place of hearing the case, not less than five days before the time so appointed; and such person, if able to attend, must be produced on the hearing.

SEC. 6. Section seventeen hundred and sixty-six of said code is hereby amended to read as follows:

Restoration of insane, proceedings.

1766. Any person who has been declared insane or incompetent, or the guardian, or any relative of such person within the third degree, or any friend, may apply, by petition, to the superior court of the county in which he was declared insane, to have the fact of his restoration to capacity judicially determined. The petition must be verified, and must state that such person is then sane or competent. Upon receiving the petition, the court must appoint a day for a hearing before the court, and, if the petitioner requests it, must order an investigation before a jury, which must be summoned and impaneled in the same manner as juries in civil actions. The court must cause notice of the trial to be given to the guardian of the person so declared insane or incompetent, if there is a guardian, and to his or her husband or wife, if there is one, and to his or her father or mother, if living in the county. On the trial, the guardian or relative of the person so declared insane or incompetent, and, in the discretion of the court, any other person, may contest the right to the relief demanded. Witnesses may be required to appear and testify, as in civil cases, and may be called and examined by the court on its own motion. If it is found that the person is of sound mind, and capable of taking care of himself and his property, his restoration to capacity must be adjudged, and the guardianship of such person, if such person is not a minor, must cease.

SEC. 7. Section seventeen hundred and sixty-eight of said code is hereby amended to read as follows:

Debts of ward, how paid.

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

SEC. 8. Section seventeen hundred and seventy-three of said code is hereby amended to read as follows:

Guardian to return inventory of estate of ward.

1773. Every guardian must return to the court a verified inventory of the estate of his ward within three months after his appointment. He must annually thereafter, and at such other times as directed by the court, render a verified account of the estate of his ward. All the estate of the ward described in the first inventory must be appraised by appraisers appointed, sworn, and acting in the manner provided for regulating the settlement of the estates of decedents. Such inventory, with the appraisement of the property therein described, must be recorded by the clerk of the court in a proper book kept in his office for that purpose. Whenever any other property of the estate of any ward is discovered, not included

in the inventory of the estate already returned, and whenever any other property has been succeeded to, or acquired by any ward, or for his benefit, the like proceedings must be had for the return and appraisal thereof as are herein provided in relation to the first inventory and return.

SEC. 9. Section seventeen hundred and seventy-four of said code is hereby repealed. Sec. 1774 repealed.

SEC. 10. Section seventeen hundred and seventy-six of said code is hereby amended to read as follows:

1776. Every guardian must be allowed the amount of his reasonable expenses incurred in the execution of his trust, and he must also have such compensation for his services as the court in which his accounts are settled deems just and reasonable. He must also be allowed all reasonable and proper disbursements, made after the legal termination of the guardianship, but while that relation, by consent or acquiescence of the parties, still subsists in fact, and before the discharge of the guardian by the court, and which were made by the consent, express or implied, of the ward, and for his benefit or the benefit of his estate. Expenses and compensation of guardian.

SEC. 11. Section seventeen hundred and ninety-three of said code is hereby amended to read as follows:

1793. The superior court may appoint a guardian of the person and estate, or either, of a minor, insane or incompetent person, who has no guardian within the state, legally appointed by will, deed or otherwise, and who resides without the state, and has estate within the county or, who, though not having such estate, is within the county, upon petition of any friend of such person or any one interested in his estate, in expectancy or otherwise. Before making such appointment, the court must cause notice to be given to all persons interested, in such manner as such court deems reasonable. Guardians of non-resident persons.

SEC. 12. Section eighteen hundred of said code is hereby amended to read as follows:

1800. Upon complaint made by any guardian, ward, creditor, or other person interested in the estate, or having a prospective interest therein as heir or otherwise, against any one suspected of having concealed, embezzled, smuggled, or fraudulently disposed of, any of the money, goods, or effects, or an instrument in writing belonging to the ward or to his estate, the superior court may cite such suspected person to appear before such court, and may examine and proceed against him on such charge in the manner provided in this title with respect to persons suspected of and charged with concealing, embezzling, smuggling, or fraudulently disposing of the effects of a decedent. Persons suspected of having defrauded ward, examination of.

SEC. 13. Section eighteen hundred and seven of said code is hereby amended to read as follows:

1807. The court, in its discretion, whenever necessary, may appoint more than one guardian of any person subject to guardianship, each of whom must give a separate bond, and be governed and liable in all respects as a sole guardian. More than one guardian may be appointed.

SEC. 14. Section eighteen hundred and nine of said code is hereby amended to read as follows:

Secs. 1056
and 1057
apply to
guardians.

1809. The provisions of sections ten hundred and fifty-six and ten hundred and fifty-seven are hereby declared to apply to guardians appointed by the court, and to the bonds taken or to be taken from such guardians, and to the sureties on such bonds.

CHAPTER 515.

An act to amend section 1874 of the Political Code relative to duties of the text-book committee.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Rules
governing
adoption of
text-books.

Standing
com-
mittee.

Powers.

Duty of
county
superin-
tendent
of schools.

1874. 1. In compiling or causing to be compiled or adopting a uniform series of school text-books for use in the common schools of the state, as required by section seven of article nine of the state constitution, the state board of education shall, within thirty days after the passage of this act, meet and appoint three members of said board, to wit, the governor, the superintendent of public instruction and one other member of said state board of education as a standing committee on school text-books. The said committee shall be designated and known as the state text-book committee, and shall immediately organize and enter upon the discharge of its duties, and shall have power, subject to the approval of the state board of education, to revise in whole or in part and to manufacture such text-books as are now in use; to compile or cause to be compiled under its direction, and to manufacture such other or additional text-book or books as it may deem necessary or proper for use in the primary and grammar schools of the state; to purchase or hire plates, maps, and engravings of copyright matter; to contract for, or lease copyrights, for the purpose of being used in compiling, printing and publishing such books; to provide for the payment of royalties or for the leasing of plates for the making of the whole or any part of a book or books, and to do any and all acts that may be necessary for the purpose of procuring a meritorious uniform series of text-books for use in all the primary and grammar schools of the State of California. Said committee shall have power, subject to the approval of the state board of education, to prescribe and enforce the use of a uniform series of text-books. As soon as any text-book shall have been compiled, printed, adopted, and is ready for distribution, it shall be the duty of every county and city and county superintendent of schools in the state to order a sufficient number thereof to give at least one copy of every such book to every public school district library in the

county or city and county in which he is superintendent, and payment therefor shall be made by him by drawing his order on the unapportioned county school fund.

2. Instruction shall be given in the following subjects in the primary and grammar schools of the state in the several grades in which they may be required, viz: Reading, writing, orthography, language lessons and English grammar, arithmetic, geography, history of the United States, elements of physiology and hygiene, vocal music, elementary bookkeeping, drawing, nature study, and civil government; and it shall be the duty of the said text-book committee to revise such of the books of the present state series or publish such new ones in any of the above-mentioned subjects as may be necessary for the proper study and teaching of them, and for the purposes of compilation and publication may make use of any copyright matter deemed suitable, and may purchase or hire plates, maps, or engravings of such copyright matter, may contract and arrange for the payment of royalties, and shall designate such book or books, when published, as belonging to and forming a part of the state series of school text-books, subject to the approval of the state board of education.

Subjects of instruction.

3. The said text-book committee may secure copyrights, in the name of the people of the State of California, to any book that may be compiled under this act, and whenever any one or more of the state school text-books shall have been compiled, published, and adopted, the superintendent of public instruction shall issue an order to all county, and city and county boards of education by sending notice by registered mail to the secretaries of all such boards requiring the uniform use of said book or books in all the primary and grammar schools of this state, and when said order shall have thus been given and published, the same shall remain in force and effect for a term of not less than four nor more than eight years; *provided*, that said order for the uniform use of said book or books shall not take effect until the expiration of at least one year from the time of the completion, purchase, or the leasing of the electrotype plates of said book or books; but nothing in this act shall be construed to prevent any county, city, or city and county from adopting any one or more of the state series of school text-books whenever said book or books shall have been published and is ready for distribution; *provided further*, that whenever any plates, maps, or engravings of any publisher or author are adopted for use as hereinbefore provided, the state text-book committee shall enter into a contract for not less than four nor more than eight years for the use of the same, and shall require a good and sufficient bond of the owner of such plates, maps or engravings, guaranteeing that the same shall be kept revised and up to date as may be required by the state board of education.

Copyrights, committee may secure.

Books adopted to remain in force four years.

Contracts.

4. Any county, city and county, city or school district that refuses or neglects to use the state series of school text-books in the grades and in the subjects for which they are intended

Refusal to use state series, penalty for.

and at the time as required in the foregoing subdivisions of this act must, upon satisfactory proof of such refusal or neglect, have the state money to which it is otherwise entitled, withheld from it by the superintendent of public instruction.

Superintendent of state printing, duties of.

5. The superintendent of state printing shall have the supervision of all mechanical work connected with the printing and publishing of such books as may be compiled and adopted by said text-book committee and approved by the state board of education, and all such printing and binding shall be done in the state printing office. The superintendent of state printing shall annually on the first day of July, and oftener, if requested, submit to the said text-book committee a detailed statement showing the number and name of books of the state series published by him during each year.

Prices of books, how fixed.

6. Whenever any book authorized to be published under this act is ready for sale or delivery to pupils, the state printer shall submit to the said state text-book committee, and it in turn to the state board of education, an itemized statement, showing the exact cost of the material, printing, binding, and finishing of such book in editions of five thousand or more, and the state board of education shall thereupon determine and fix the price of such book as required by law, by adding to the cost of manufacturing, the price contracted to be paid as royalty, or for the use of the plates, maps or engravings of the copyright matter therein contained, and said price shall be deemed to be the whole cost of publication of such book at Sacramento. The amount fixed for royalty or cost of plates of copyright matter shall, as the books are sold, be kept separate from other proceeds from the sale of state school text-books, and deposited in the state treasury to the credit of a fund to be designated and known as the "Text-book Royalty Fund," the same to be paid out quarterly or semi-annually, as may be agreed between the owners of copyright matter and said text-book committee, on the order of the said state text-book committee, in payment of royalties or hire of plates, maps or engravings or copyright matter in the same manner as other claims upon the state treasurer are paid.

Royalty fund.

Claims for expenses of committee.

7. The appropriation heretofore made, known as the "text-book appropriation," shall be subject to the drafts of the said text-book committee for all the expenses incurred by it, except the salary of the secretary, which is otherwise provided for by law; *provided*, that all claims shall be presented to the state board of examiners for their approval; said appropriation shall be subject to the drafts of the said committee for all moneys needed for the payment of royalties, for the purchase or hire of such plates, maps, or engravings that may be necessary but which can not be arranged to be paid for as provided in subdivision seventh hereof, for expert opinions as provided for in subdivision nine of this act, for printing, stationery, postage, and expressage that will be required by said committee, and for manufacturing any edition of any book of the state series now

in use or which may hereafter be adopted for use in the primary and grammar schools.

8. It is provided that all moneys that have been received or that may hereafter be received from the sales of state series of school text-books, except that which is received in payment of royalties and provided in this act to be deposited to the credit of the text-book royalty fund, shall be kept by the state treasurer as a separate and distinct fund, to be known as the "State School Book Fund," which fund shall be subject to the drafts of the said text-book committee for all expenses incurred by the superintendent of state printing for all material, labor, and other expenses necessary in the mechanical work of printing and publishing state school text-books; all claims to be drawn after being certified to by the superintendent of state printing, as provided in subdivision four of section five hundred and twenty-six of the Political Code; *provided*, that all demands on the state school book fund excepting that of the salary of the secretary of the state text-book committee, shall be presented to the state board of examiners in itemized form for their approval; and upon the approval of the state board of examiners, the state controller is hereby authorized and directed to draw his warrant, and the state treasurer is hereby authorized and directed to pay the same, in conformity with the provision of this section.

9. Before selecting any text-book matter to be used in the compilation or revision of a state school text-book, the said committee may, subject to the approval of the state board of education, secure one or more educational experts to examine and give their opinions on the merits of any book or books or parts of a book that may be taken under consideration, and the claims for payment of such expert service shall be paid in like manner as other claims are paid out of the state text-book appropriation; *provided*, that the expense of such expert examination and opinion shall not exceed the sum of two hundred dollars for any one book that may be adopted and published as a book of the state series.

10. The existing law which provides the manner and the means for the distribution of state school text-books is hereby continued in force and effect.

CHAPTER 516.

An act to provide for the change of name of high school districts and union high school districts and the manner of making such change.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Change
of name of
high
school
district,
proceed-
ings for.

SECTION 1. Whenever a petition shall be presented to the board of supervisors, signed by at least two thirds of the members of the board of trustees of a high school district or of a union high school district, asking that the name of such high school district or such union high school district be changed, the board of supervisors shall designate a day upon which they will act upon such petition, which must not be less than ten nor more than forty days after the receipt thereof. The clerk of the board of supervisors must give notice to all parties interested, by publication in a newspaper published within said high school district, or within said union high school district, or if no newspaper is published therein, then in any newspaper published in the county, of the time set for the hearing of said petition, which notice must be published at least twice before the day set for hearing, whereupon the board shall, by resolution, either grant or deny the petition; and if granted, the clerk of the board of supervisors shall notify the county superintendent of the change of the name of said district.

SEC. 2. This act shall take effect immediately.

CHAPTER 517.

An act supplementary to the act approved June 16, 1906, entitled "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Claim of
title to real
property
when
records
are lost.

SECTION 1. In any case where the title to real property might be established or quieted under the provisions of the act to which this act is supplementary, any person or corporation who is or claims to be the owner of such real property or of any interest therein or lien thereon may, by himself or by his agent, duly authorized by letter of attorney theretofore recorded in the office of the county recorder of the county or

city and county where such property is situated, sign, verify and file for record in the office of the said county recorder a notice in substantially the following form, to wit:

"Notice of ownership and claim to real property under an act of the legislature of the State of California approved _____ (here insert the date of the passage of this act) _____, 1907.

Form of notice of ownership.

"Notice is hereby given that _____ (here insert name of claimant) _____, whose residence is at _____ (here insert street and number, city or town, county and state of residence), is the owner of an interest in the real property situated in the _____ (here insert name of city or town if the property be located in a city or town) _____, county of _____ (here insert name of county or city and county in which property is located) _____, State of California, described as follows, to wit: _____ (here insert a particular description of real property) _____.

"The character of the interest in said real property owned by the claimant is _____ (here insert description of the character of interest in or lien upon the real property) _____ and the said interest was obtained from _____ (here insert the name of the party from whom said interest was obtained) _____, and at the time and in the manner following _____ (here insert time at which and manner in which said interest was acquired) _____."

Said notice shall be signed by the claimant or by his agent, as hereinbefore provided, and shall be verified by the oath of the party signing it, to the effect that all of the statements therein contained are true to the knowledge of said party.

Notice to be verified.

SEC. 2. Upon the filing of said notice for recordation the said recorder shall forthwith record said notice in a book devoted exclusively to the recordation of such notices, and shall properly index the same with reference to the name of the claimant, and shall enter upon a map or plat of the parcels of land in the county (which said map or plat shall be kept by him for that purpose and be devoted exclusively thereto), on that part of the map or plat representing the parcel or parcels described in said notice, a reference to the date of the filing of said notice for recordation, and, when recorded, to the book and page of the record thereof. From and after three days after the filing of said notice for record, all persons who may thereafter begin actions under the provisions of the act to which this act is supplementary, shall be deemed to have notice of the facts stated in said notice, but neither the filing of said notice for record nor its recordation shall be deemed to give constructive notice to any other person or for any other purpose than as herein prescribed. The original of said notice shall remain on file in the office of said county recorder.

Duty of recorder.

Who deemed to have notice of facts.

SEC. 3. Any person who, from and after three days after the date of the filing of such notice for record, shall begin any action relating to the real property described in such notice, to perfect or establish his title thereto, or to any part thereof, or any interest therein, under the provisions of the act to which

In actions relating to real property, claimants in notice must be named.

this act is supplementary, must name the claimant in such notice, or any person who is a successor in interest of such claimant under a subsequently duly recorded written instrument, judgment or decree, as a party said to claim an interest in or lien upon the property adverse to the plaintiff in such action in the affidavit and in the memorandum appended to the summons provided for in the act to which this act is supplementary, and must cause such claimant, or such successor in interest of such claimant, by virtue of a subsequently duly recorded written instrument, judgment or decree, to be duly served with summons in such action, in the manner provided by the act to which this act is supplementary, otherwise neither the said action nor any judgment or decree which may be given or made therein shall in anywise affect the title or interest in the property described in such notice, owned by the claimant named therein at the time of the filing thereof, or by any successor in interest of such claimant by virtue of a written instrument, judgment or decree duly recorded subsequently to the filing of such notice and prior to the commencement of the action; *provided, however,* that the failure to name said claimant or such successor in interest, as aforesaid, in said affidavit or memorandum, or to serve such claimant or such successor in interest, shall not affect the validity of the judgment or decree rendered in such action as to any other persons, but such judgment or decree shall be valid and binding upon all persons except such claimant or such successor in interest.

Service of
summons.

Failure
to name
claimant.

Executor
may record
notice.

Act supple-
mentary to
act of 1906.

SEC. 4. An executor, administrator or guardian, or other person holding the possession of property in the right of another, may make, sign, verify and file for record the notice and affidavit in this act provided for on behalf of the estate or interest which he represents.

SEC. 5. This act shall be supplementary to the act approved June 16, 1906, entitled "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records."

SEC. 6. This act shall take effect immediately.

CHAPTER 518.

An act relating to life, health and accident insurance of live stock on the assessment plan and the conduct of the business of such insurance.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Contract of
mutual
insurance
of animals
defined.

SECTION 1. Every contract whereby a benefit may accrue to a party or parties therein named upon the death or physical disability of an animal insured thereunder, or for the payment of any sums of money dependent in any degree upon

the collection of assessments or dues from owners holding similar contracts, shall be deemed a contract of mutual insurance upon the assessment plan. Such contracts must show that the liabilities of the insured thereunder are not limited to fixed premiums.

SEC. 2. Corporations may be formed under the general laws of this state to carry on the business of mutual live stock insurance upon the assessment plan, and shall be subject only to the provisions of this act. No such corporation shall issue contracts of insurance until at least two hundred (200) persons owning live stock have applied, in writing, for membership or insurance therein, and have paid to the treasurer of such corporation the sum of five thousand (5000) dollars. This sum shall be invested in bonds or securities, approved by the insurance commissioner of this state, or deposited in some bank in this state where it will earn interest. Said bonds or securities, or evidences of such deposit, shall be placed through the insurance commissioner of this state, with the state treasurer, and the principal sum shall 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 shall 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 act; 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 shall the commissioner approve any name or title so closely resembling another as to mislead the public. No corporation formed hereunder shall have 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 shall have complied with the provisions of section six hundred and thirty-three of the Political Code of this state.

SEC. 3. The contracts of insurance issued by such corporation shall specify the sum or sums to be paid upon the happening of the contingency insured against, and when such payments will be made. Unless the contract shall have been invalidated by fraud or by breach of its conditions, the corporation shall be obligated to pay the beneficiary the amount or amounts specified in its contract at the time or times therein named, and such indebtedness shall be a lien upon all the property of such corporation, with priority over all indebtedness thereafter incurred, except as hereinafter provided in case of insolvency. Failure to make such payment within thirty days after notice, at the home office, by mail, as provided by law, of final judgment, unless waiver is made by the beneficiary, shall constitute a forfeiture of the right to do business.

SEC. 4. Every domestic corporation organized or doing business under this act shall accumulate a reserve or emergency

How corporations may be formed.

Investments.

Condition precedent to issuing insurance.

What contracts of insurance shall specify.

Reserve fund required.

fund, which shall at all times be not less than the largest benefit contracted to be paid by it to any one person. Every existing domestic corporation must accumulate such fund within one year from the date when this act takes effect, and any corporation organized hereunder within one year from the date of its certificate of incorporation. Such fund, to the extent of the largest amount contracted to be paid by any such corporation to any one person, shall be so invested and deposited, as provided in section two hereof, with the right in the corporation to exchange any such securities for others of equal value. The deposit required by section two of this act shall constitute a part of the reserve required by this section, at the option of such corporation. When any corporation doing business hereunder shall discontinue business, this fund shall be returned to such corporation, or so disposed of as may be determined by the superior court of the county, or city and county, in which is its principal place of business.

Foreign corporations, conditions required.

SEC. 5. Corporations organized under the laws of any other state or country to transact the business of mutual assessment or live stock insurance, must, as a condition precedent to transacting business in this state, deposit with the insurance commissioner of this state a certified copy of its charter, or other instrument, required by its home authorities; a statement, under oath, of its president or secretary, of its business for the preceding year, in such form as may be required by the insurance commissioner of this state; an appointment of a general agent, service upon whom shall bind the corporation; a certificate that for the next preceding twelve months it has paid, in full, the maximum amount named in its contracts of insurance; a certificate from the proper officer of its state or government that like corporations of this state are legally entitled to do business in such state or country; copies of its contracts of insurance and applications, which must show that the liabilities of its members are not limited to fixed premiums; and evidence, satisfactory to the insurance commissioner, that the corporation has accumulated a fund equal to that required of like corporations in this state, constituting a reserve or surplus fund, held in trust for the benefit of its contract holders, and so invested and held as required by the laws of the state or government under which such corporation was organized. The insurance commissioner shall thereupon issue a license to such corporation to do business in this state. This license must be renewed annually, and may be revoked whenever it is ascertained that the statements required to be made by this section are not true. Upon such revocation, notice thereof shall be given by the insurance commissioner, by publication in some newspaper published in the city and county of San Francisco, for two weeks, daily, and no new contracts shall be made by such company in this state. When any other state or country imposes any additional license, fees, taxes, or penalties upon any corporation organized or doing business under this act, like license, fees, taxes, or penalties shall be imposed upon cor-

Surplus fund.

License must be renewed annually.

porations of the same kind, and their agents, of such state or country doing business in this state.

SEC. 6. No corporation doing business under this act (except accident or casualty corporations) shall issue a contract of insurance upon the life of any animal after it has passed its fifteenth birthday. Every such contract of insurance shall be founded upon written application therefor, and (except when the application is for health, accident, or casualty insurance only, or for one hundred dollars life insurance, or less) such application shall be accompanied by the report of a reputable veterinarian, containing a detailed statement of his examination of the animal, and showing the animal to be in good health, and recommending the issuance of a contract of insurance. Any solicitor, agent, employé, examining veterinarian, or other person making a false or fraudulent statement to any corporation doing business under this act, with reference to any application for insurance, or for the purpose of obtaining any money or benefit from such corporation, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court; and any person who shall make a false statement of any material fact or thing in a sworn statement as to the death or disability of an animal of the 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, shall be guilty of perjury, and may be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury.

Limitations of contract

Applications for insurance

False statements, penalty for.

SEC. 7. The money, benefit, annuities, endowment, charity, relief, or aid to be paid as provided by the contracts issued by any corporation doing business under this act, shall not be liable to attachment or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process, nor by operation of law, to pay any debts or liability of the contract holder, or any beneficiary named thereunder.

Benefits not liable to attachments.

SEC. 8. Every domestic and foreign corporation doing business under this act, shall, annually, on or before the first day of February, file with the insurance commissioner, in such form as he shall 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, shall have the power of examination into the affairs of any domestic corporation doing business or claiming to do business under this act, at any time, in his discretion, and shall make such examination at least once a year.

Annual statement to be filed.

SEC. 9. If the insurance commissioner, after examination of the affairs of a corporation, shall find that such corporation is not doing its business in conformity to this act, or that

When corporation may have license revoked.

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 shall cite the president, secretary, manager, or general agent of said corporation, or all of them, to appear before him (stating the time and place) to show cause why the authority of such corporation to do business shall not be revoked; and if they can not show cause, then he shall report the facts to the attorney-general of this state, who shall commence proceedings in the proper court to restrain said corporation from doing any further business.

Assessments, notice of to be mailed.

SEC. 10. No policy or certificate issued by any corporation or association doing business under the provisions of this act shall lapse or be lapsed for the non-payment of any assessments, dues, or premiums, unless the corporation or association has first mailed to the insured under such policy or certificate, at his or her last given postoffice address, a notice setting forth the amount to be paid, and the time the same is due and payable; and such notice shall be mailed at least fifteen days before the assessment is due (*provided*, that such corporations doing business under this act as collect specific amounts at specific dates, as contained in the contract, shall not be compelled to send such notices), and an affidavit made by the officer, bookkeeper, or clerk of any such corporation having charge of the mailing of notices, setting forth the facts as they appear on the records in the office of the said corporation, showing that such notice was mailed and the date of mailing, shall constitute conclusive evidence of the mailing of such notice.

Fees for filing statements, etc.

SEC. 12. The fees for filing statements, certificates, or other documents required by this act, or for any service or act of the insurance commissioner, and the penalties for any violation of this act, shall, except as otherwise provided herein, be the same as provided in the laws of this state relating to life insurance companies, and shall be disposed of as provided by such law.

Expenses of insurance commissioner, how paid.

SEC. 13. And for all lawful expenses under this act, or by reason of any of its provisions in the prosecution of any suit or proceedings, or otherwise, for the enforcement of the provisions of this act, the insurance commissioner must present bills duly certified by him and accompanied with vouchers, to the state board of examiners, who must allow the same, and direct payment thereof to be made; and the state controller shall draw warrants therefor on the state treasurer for the payment of the same to the insurance commissioner, in addition to the ordinary contingent expenses, which warrant shall be payable out of the general fund.

SEC. 14. This act shall take effect immediately.

CHAPTER 519.

An act entitled an act to amend section 1670 of the Political Code, relating to establishing and maintaining high schools.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1670 of the Political Code is hereby amended to read as follows: High schools.

1670. First—Any city, or incorporated town, constituting one or more common school districts, or any school district accredited by the last preceding school census with a school population of two hundred or more may establish and maintain a high school district by a majority vote of the qualified electors voting at an election called and held for the purpose of determining the establishing and maintaining of a high school district. If such high school district is established and maintained, the governing body thereof shall establish and maintain one or more high schools therein at the expense of the high school district. Establishment of.

Second—Whenever heads of families equal in number to a majority of the number of heads of families as shown by the last preceding school census, in any city, or incorporated town, constituting one or more school districts, or any school district, accredited by the last preceding school census with a school population of two hundred or more, shall unite in a petition to the board of education or board of school trustees of said city, incorporated town, or school district, for the establishing and maintaining of a high school district therein, said board of education or board of school trustees shall petition the county superintendent of schools, to call an election in said city, incorporated town, or school district, for the determination of the question. Petition for.

Third—Within twenty days after receiving said petition from said board of education, or board of school trustees, the county superintendent of schools shall call an election therein for the determination of the question, and shall appoint three qualified electors thereof to conduct said election. Said election shall be called by posting notice thereof in five of the most public places in said city, incorporated town, or school district, and by publication in a daily or weekly paper therein, if there be one, for not less than fifteen days. Said election shall be conducted in the manner prescribed for conducting school elections. The ballots at such elections shall contain the words "For high school district" and the voter shall write or print after said words on his ballot the word "Yes," or the word "No." It shall be the duty of said election officers to report the result of said election to the superintendent of schools within ten days subsequent to the holding thereof. If it shall appear Election, how called and conducted.

Form of ballot.

that a majority of the votes cast at such election were cast in favor of the establishment of such district, such high school district shall be deemed to be established.

Union
districts.

Petition.

Election.

Manner of
holding
election.

Form of
ballot.

Declara-
tion
of result.

Fourth—When the heads of families equal in number to a majority in each district, as shown by the last preceding school census, residing in two or more contiguous school districts in the same county (*provided*, that said districts are accredited by said school census with a school population of two hundred or more), shall unite in a petition to the county superintendent of schools for the establishing and maintaining of a union high school district, he shall, within twenty days after receiving said petition, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning to conduct the election therein. Any head of family residing within the district at the date of petition shall be a competent signer of such petition whether he shall or shall not have been listed as the head of a family resident in such district at the last preceding school census; and his signature to such petition shall have the same force and effect as if the name of such petitioner had appeared as that of the head of a family in the last preceding school census of such district; *provided*, that the superintendent of schools may require such petitioner, or any other person for him, to certify under oath that the petitioner is the head of a family residing in the district. Said election shall be held separately and simultaneously at the public school house in each of the districts petitioning, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public school house in each district, at least ten days before said election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting school elections. The ballots at such election in each district shall contain the words "For the union high school district," and the voter shall write or print after said words on his ballot the word "Yes," or the word "No." It shall be the duty of the said election officers in each district to canvass the vote at said election, and report the result to the superintendent of schools within five days subsequent to the holding of said election. Within ten days after receiving the returns of said election, the superintendent of schools shall combine the votes "for" and "against" the establishment of the union high school district and declare such result, by filing a certificate thereof with the county clerk of the county, which certificate shall show the total number of votes cast in each district in which said election was held, in favor of the union high school district, the total number of votes in each district against the union high school district, the aggregate result of said election and the boundaries of said proposed district. It shall also be his duty to record, in a book kept by him for that purpose, the facts set forth in the certificate herein mentioned. If it shall appear that a majority of the votes cast at such election were cast in favor of the establishment of such district,

such high school district shall be deemed to be established, and the county clerk shall record said certificate in full in a book to be kept by him for that purpose.

Fifth—If a majority of the votes cast in the election provided for in subdivision three of this section in said city, incorporated town, or school district, shall be in favor of establishing and maintaining a high school district therein, it shall be the duty of the superintendent of schools to call a meeting of the board of education or board of school trustees of said city, incorporated town, or school district, within fifteen days after receiving the returns of the election held therein, by giving at least ten days' notice, in writing, to every member of said board of education or board of school trustees. The board of education or board of school trustees shall, at said meeting formally organize as the high school district board, determine the location and the name of the high school, or high schools in the high school district, and may transact other business relating to the affairs of the high school district. Thereafter the high school district board shall meet at such times and places in the high school district as they may determine, and shall be the sole governing body of the said high school district.

Duty of superintendent of schools, in case election be favorable.

Location of school.

Sixth—If a majority of the votes cast in the districts petitioning for a union high school district, shall in the aggregate be in favor of establishing and maintaining a union high school district therein, the superintendent of schools shall, within fifteen days after receiving the returns of the election held therein, direct the board of school trustees in each of said districts to call a meeting of the qualified electors of their respective districts, in the manner provided in subdivision twenty of section sixteen hundred and seventeen of the Political Code. At said meeting the qualified electors shall in each district select one representative, whose powers and duties shall be as hereinafter specified. The representatives so chosen shall constitute the union high school board, and shall hold office until the thirtieth day of June next succeeding the first annual election for school trustees after the organization of the union high school district, or until their successors are elected or appointed, and qualified. Within twenty days after said meetings are held, the county superintendent shall call a meeting of the high school representatives, for the purposes of organizing as a union high school district board, and of naming and locating the union high school. Should the above representatives fail to agree unanimously upon a location for the high school, they shall propose, in writing, to the superintendent of schools and shall transmit to his office within ten days the names of the locations which they favor. Within twenty days after receiving such notice, the superintendent of schools shall call an election as provided in subdivision fourth hereof, to determine the location of the high school. At such election only such sites as have been named by the representatives and certified to the superintendent of schools shall be voted upon. Any form of ballot by which the voter signifies his choice of location

Union high school, duty of superintendent.

Union high school board.

Location of union high school, election to determine.

shall be allowed. The result of said election shall be determined and certified to the superintendent of schools as provided in said subdivision fourth. The location which receives the largest number of votes shall be chosen as the location of the high school. The representatives shall have power to make arrangements for the temporary location of the high school, and if satisfactory apartments or buildings in a suitable location are offered or can be procured for a consideration or at a rental which would make it advisable to accept the same, they shall have the power to secure or lease such apartments or buildings for a period not to exceed three years from the date of its acceptance. No change of location of any union or joint union high school, when once established, shall be made except upon a petition to the superintendent of schools, or superintendents of schools, signed by two thirds of the heads of families of the union or joint union high school district, and then only upon the affirmative votes of two thirds of the qualified electors of the union or joint union high school district voting at an election called by the superintendent of schools, or superintendents of schools for that purpose. No change of location of a high school in a city, incorporated town, or school district, operating as a high school district shall be made except upon the unanimous vote of the high school district board.

Change of location not to be made.

High school district board.

Seventh—In any city, incorporated town, or school district, which shall have organized as a high school district, the board of education or board of school trustees shall constitute the high school district board, and shall have the management and control of the high school in said district.

Union districts composed of more than two districts

Eighth—In union high school districts composed of more than two school districts, the high school board shall be composed of one member elected from each district composing the high school district, at the time and in the manner prescribed for the election of school trustees, except as otherwise provided in this act. The superintendent of schools (or superintendents by concurrent action in joint union high school districts) shall, in union high school districts composed of three or more school districts, divide the districts composing the union high school district into three classes, as nearly equal in number of school districts as possible to be designated by him as class A, B, and C, respectively. At the first annual school election following the passage of this act, the districts in class A, as above divided and designated, shall each elect a high school trustee for one year; the districts in class B shall each elect a high school trustee for two years; the districts in class C shall each elect a high school trustee for three years. At each annual election thereafter, as terms of office expire, the high school trustees shall be elected for three years, and in case of expiration of term of appointment, for the unexpired term. Vacancies in the high school board shall be filled by appointment by the superintendent of schools (and in case of joint union high school districts by appointment of the superintendent of schools of the county in which the vacancy occurred), the appointee or

Election of trustees.

Vacancies.

appointees to hold until the first day of July succeeding the appointment. The trustees serving on union high school boards, composed of more than two school districts at the time of the approval of this section as hereby amended, shall hold until their successors are elected and shall qualify under the provisions hereof; in the formation of new union or joint union high school districts, the representatives selected according to the provisions of subdivision sixth of this section shall constitute the union or joint union high school board until the election or appointment and qualification of the regular board as herein provided. In union high school districts consisting of but two school districts, the union high school board shall be composed of the boards of school trustees of both said districts.

Term
of office of
present
trustees.

Ninth—The union or joint union high school board shall meet at the call of the superintendent of schools, and shall organize by electing a president from their own number, and a clerk, to serve until the second Saturday of July next succeeding their election; and thereafter the board shall meet and organize in the same manner on the second Saturday of July of each and every year.

Organiza-
tion of
board of
trustees.

Tenth—The high school boards shall hold regular monthly meetings at the high school building at such times as may be provided in the rules and regulations adopted by them for their own government. Special meetings may be held at the call of the president of the respective boards. Upon the request, in writing, signed by a majority of any board, the president of said board shall call a meeting thereof. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings no business shall be transacted other than as specified in the call therefor; *provided*, that in union or joint union high school districts the regular meetings as above provided may be quarterly; *and provided further*, that the union high school board in said union high school districts may appoint an executive committee, consisting of the president and secretary and one other member of the board, no two of whom shall be from the same school district, to attend to the routine business of the board, their action to be reported to the board for ratification at its first regular meeting ensuing.

Meetings.

Eleventh—The powers and duties of high school boards shall be such as are now or may hereafter be assigned by law to boards of education or boards of school trustees. In any city, incorporated town, school district or union high school district, which shall have organized as a high school district, the high school board of such high school district may, when in its judgment it is advisable, and must upon a petition of a majority of the heads of families residing in such high school district, call an election and submit to the electors of the high school district whether the bonds of such high school district shall be issued and sold for the purpose of raising money for purchasing high school lots for building or purchasing one or more high school buildings, for repairing, restoring or

Powers
and duties
of boards.

Bonds,
how may
be issued.

rebuilding any high school building damaged, injured or destroyed by conflagration or other public calamity, for insuring the same, for supplying the same with furniture and necessary apparatus, for improving the grounds, or for any or all of said purposes, for liquidating any indebtedness already incurred for said purposes, and for refunding any outstanding valid indebtedness, evidenced by bonds or the warrants thereof.

Election, how called. Such election must be called by posting notices, signed by the high school board, in three of the most public places in the high school district, for not less than twenty days before the election; and if there is a newspaper published in the county in which said district was organized, by publishing such notices therein not less than once a week for three successive weeks. Such notice must contain: (1) the time and place of holding such election; (2) the names of the inspector and judges to conduct the same; (3) the hours during the day in which the polls will be open; (4) the amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run. Such election shall be conducted in conformity with the provisions of sections one thousand five hundred and ninety-six, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand five hundred and ninety-nine, one thousand six hundred, one thousand six hundred and one, and one thousand eight hundred and thirty-four of this code, except that the words to appear upon the ballots shall be "High school district bonds—Yes," or "High school district bonds—No." On the seventh day after said election at one o'clock P. M., the returns having been made to the high school board of such high school district, such high school board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election were cast in favor of issuing such bonds, then such high school board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county in which such district was organized all of the proceedings had in the premises, and thereupon said board of supervisors shall be and it is hereby authorized and directed to issue the bonds of such high school district, to the number and amount provided in such proceedings, payable out of the building fund of such high school district, naming the same, and that the money shall be raised by taxes upon the taxable property in said high school district for the redemption of said bonds and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the high school district as shown by the last equalized assessment of the county or counties in which such district is located. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall be not more than forty years from the date thereof. Said bonds

Form of ballot.

Canvass of returns.

Super-
visors to
issue
bonds.

Total
amount of
bonds.

Form of.

must not bear a greater amount of interest than six per cent, said interest to be payable annually or semi-annually, and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of the said high school district, and be drawn out for the purposes aforesaid as other school moneys are drawn out. The board of supervisors of the county in which such high school district was organized, at the time of making the levy of taxes for county purposes must levy a tax for that year upon the taxable property in such high school district for the interest and redemption of said bonds, and said tax must not be less than sufficient to pay the interest of said bonds for that year, and such a portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term high enough to pay such annual interest, and to pay annually a proportion of the principal of said bonds, equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all taxes so levied, when collected, shall be paid into the county treasury of the county in which such district was organized, to the credit of the building fund of such high school district, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer upon the warrant of the auditor out of the fund provided therefor; and it shall be the duty of the auditor to cancel and file with the treasurer of the county in which such district was organized the bonds and coupons as rapidly as they are paid. That part of any high school district which has been admitted to said high school district from another county, under the provisions of this section, shall be deemed a part of the county wherein such high school district was organized, for all purposes connected with the issuance of the bonds of said high school district, including the levying and collecting of taxes for the payment of the principal and interest of said bonds. If the board of supervisors of any county which has issued bonds under the provisions of this act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer, and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office, and the state board of equalization shall at its next session, and at each annual equalization thereafter, add to the state tax to be levied in said high school district a sufficient rate to realize the amount of principal or interest due prior to the next levy, and the same shall be levied and collected as a part of the state tax and paid into

Interest.

Tax levy for interest and redemption.

Duty of county treasurer and auditor.

Failure to make tax levy.

Duty of state board of equalization.

Unsold
bonds,
petition
to cancel.

Hearing of
petition.

Course of
study.

Text-books
to be used.

the state treasury and placed to the special credit of such high school district bond tax, and shall be paid by warrants, as the payments mature, to the holders of such registered obligations as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged; any balance then remaining being passed to the general account and credit of said high school district. Whenever any bonds issued under the provisions of this title shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the high school board of the high school district, for and on account of which such bonds were issued, may petition the board of supervisors of the county in which such high school district was organized to cause such unsold bonds to be withdrawn from the market and canceled. Upon receiving such petition, signed by a majority of the members of said high school board, the said board of supervisors shall fix a time for hearing the same, which shall not be more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said high school district, if there is one, and if there is no newspaper published in said high school district, then in a newspaper published at the county seat of the county in which such high school district was organized. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the board of supervisors of the county in which such high school district was organized shall hear any reasons that may be submitted for or against the granting of the petition, and if said board shall deem it for the best interests of the high school district named in the petition, that such unsold bonds be canceled, said board shall make and enter an order in the minutes of its proceedings that said unsold bonds be canceled; and thereupon said bonds and the vote by which they were authorized to be issued shall cease to be of any validity whatever.

Twelfth—The course of study for the respective high schools shall be prepared by the high school board, and, except in cities and incorporated towns, having boards of education, shall be subject to the approval of the county board of education. Said course of study shall embrace a period of not less than four years; and it shall be such as will prepare graduates therein for admission into the state university. The high school board may prescribe an additional course or additional courses of study, subject to the approval as hereinbefore provided. The text-books to be used in all high schools shall be uniform throughout the state, and shall be adopted by the high school boards, subject to the same restrictions provided for the adoption of the course of study, from a list of books prepared and recommended by the state board of education. The state series shall be used in grades and classes for which they may be adapted. *Provided*, that all high school text-books which are

adopted after this act goes into effect be used as the regular text on the subject for which adopted for a period of not less than four years.

Thirteenth—Graduates of the grammar schools shall be admitted to the high schools without examination. Other applicants of the high school district may be admitted in accordance with such rules as may be prescribed by the high school board; *provided*, that no applicant shall be admitted to the high school who has not practically completed the work of the grammar grades of the county in which the high school is located; *provided*, that in high schools where the course of study embraces a period of four years or more, pupils who have completed the course of study prescribed for the seventh grade may, upon passing a satisfactory examination, be admitted. Proficiency is to be determined by the principal, subject to approval by the county board of education. The high school board of any district may admit pupils not residing in said high school district upon the payment of such tuition fees as they may deem proper, and all moneys collected from this source shall be paid into the fund provided for the support of the high school of said district.

Applicants for admission to high school, how admitted.

Fourteenth—In every high school district, which is now maintaining a high school, or which shall have voted to establish and maintain a high school, it shall be the duty of the high school board therein to furnish to the authorities whose duty it is to levy taxes, on or before the first day of September, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and erecting a suitable building, of furnishing the same, and of fencing and ornamenting the grounds, for the accommodation of the school, and of conducting the school for the school year, unless such high school board have secured or leased temporary accommodations or apartments for the use of such high school, as provided in subdivision sixth thereof. If such high school board have secured or leased such temporary quarters, accommodations, or buildings, they shall furnish to such authorities an estimate of the amount of money required to establish, operate, and maintain such school in such temporary quarters or location for the ensuing school year. On the first day of September before the time when it will become necessary by reason of the termination of their lease or agreement, or from any other reason, they shall make arrangements for another lease for a further period not to exceed three years, or they shall furnish to the authorities whose duty it is to levy taxes an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and erecting a suitable building, of furnishing the same, and of fencing and ornamenting the grounds, for the accommodation of the school, and of conducting the school for the school year. It shall be the duty of said board, each and every year thereafter, to present to said authorities, on or before the first day of September, an estimate of the amount of money required for conducting the school for the school year; *provided, however*, that the high school board therein may, when in its judg-

Estimate of cost of lot for purpose of levying taxes.

Annual estimate of money required.

ment it is deemed advisable, and must upon the petition of a majority of the heads of families residing in said high school district, call an election and submit to the electors of said high school district whether the bonds of said high school district shall be issued and sold for the purposes mentioned in subdivision eleven of this section, and in case said election is determined in favor of the issuance of said bonds, the same shall be issued as provided in subdivision eleven of this section for any or all of the purposes mentioned therein.

Levy of special tax.

Fifteenth—When such estimate shall have been made and submitted it shall be the duty of the authorities whose duty it is to levy taxes, in said city, incorporated town, school district, or union high school district, to levy a special tax upon all of the taxable property of said city, incorporated town, school district, or union high school district, sufficient in amount to maintain the high school, or to purchase the site, erect the building, or improve the building or grounds. Said tax shall be computed, entered upon the tax roll, and collected, in the same manner as other taxes are computed, entered, and collected.

Failure to make estimate.

Sixteenth—Should the high school board of any city, incorporated town, school district, or union high school district, fail to make the estimate provided for in subdivision fourteen of this section, it shall be the duty of the superintendent of schools, upon the petition of five qualified electors thereof, to make such estimate.

Failure to make tax levy.

Seventeenth—Should the authorities whose duty it is to levy the tax, as provided in subdivision fifteen of this section, fail to make the levy provided for, it shall be the duty of the county auditor to make such levy, and add it to the tax roll of said high school district.

Disposition of moneys.

Eighteenth—All moneys collected from the levy of the tax provided for by this section shall be paid, in high school districts governed by a city board of education acting as a high school board, into the city treasury, to the credit of the high school fund; and said moneys shall be paid out by the treasurers of said cities upon the warrants of the high school board, signed by the president and clerk thereof.

Same.

Nineteenth—All moneys collected from said levy in high school districts other than those named in subdivision eighteenth, shall be paid into the county treasury to the credit of the proper high school districts, respectively, and shall be paid out on the order of the high school board, signed by a majority of the members of the high school board, as other school moneys are paid out.

County high schools.

Twentieth—Nothing in this section shall be construed as preventing all of the school districts in any county from uniting to form one or more county high schools; *provided*, that when any city, incorporated town, school district, or union high school district shall vote to maintain a high school, such territory shall be exempt from taxation to support a county high school; and *provided further*, that when any city, incorporated town, school district, or union high school district

shall establish a high school prior to the submission of the proposition to establish a county high school, the electors of such city, incorporated town, school district, or union high school district shall be excluded from voting upon said proposition; *provided further*, that in counties where one or more city high schools, district high schools, or union district high schools are maintained, the board of supervisors shall, upon the petition of two thirds of the heads of families in the city high school district, district high school district, and in each school district composing the union high school district or districts, if there be more than one in the county, submit to all the qualified electors of the county the question of establishing and maintaining a county high school, and shall take such further steps as provided in section sixteen hundred and seventy-one of this act, relating to high schools. If the majority of all the votes cast on the proposition to establish a county high school are in the affirmative the board of supervisors shall, upon the establishment of the same, declare the high school or high schools existing in the county at the time of the election for a county high school, to be lapsed, and the property of such lapsed high school or schools shall be held or sold by the board of supervisors for the benefit of the county high school.

Election.

Twenty-first—A school district cannot lie partly within a high school district and partly without; and in all cases where the boundaries of a school district comprised within any such high school district shall for any cause be changed to include territory not previously in such district, the territory acquired or added to such included district shall become and constitute a part of the high school district. Where a new school district is formed from territory situated in two or more high school districts, the electors shall decide by a majority vote as to which high school district the new school district shall belong, such election being held within thirty days after the formation of the school district.

Boundaries of school district.

Twenty-second—Any school district adjacent to a high school district, union, or joint union high school district, in the same or in an adjoining county, may be admitted to said high school district by action of the board of supervisors of the county in which the school district is located, upon such terms as may be agreed upon between the trustees of the school district seeking admission and the high school board, whenever a majority of the heads of families, as shown by the last preceding school census, shall present to said board of supervisors a petition for such annexation, accompanied by a petition signed by a majority of the members composing the high school board of the high school district to which admission is desired. Any district contained in a union or joint union high school district may, in like manner, withdraw from such union or joint union district by action of the board of supervisors of the county in which the district is located, upon such terms as may be agreed upon between the trustees of the school district seeking to withdraw and the high school board,

Adjacent districts, how admitted.

District may withdraw.

whenever a majority of the heads of families constituting the union or joint union high school district, and two thirds of the heads of families residing in the district seeking to withdraw, according to the number of heads of families shown by the last preceding school census, shall present to such board of supervisors a petition consenting to such withdrawal, accompanied by a like petition signed by a majority of the members composing the high school board. All the provisions relative to the levy and collection of the tax necessary to maintain a union high school district shall apply to the levy and collection of the tax required for a joint union school district, as in this section provided. Whenever it appears that the terms agreed upon by the trustees of the district seeking to be annexed and the high school board include the assumption by the district to be annexed of its pro rata portion of any bonded indebtedness existing against the high school district for the construction of a high school building, the board of supervisors shall call an election in the district so proposing to assume such indebtedness for the purpose of determining whether such indebtedness shall be authorized and assumed. Such election shall be held as provided in subdivision eleventh of this section. If it shall appear from the returns of such election that more than two thirds of the votes cast at such election were cast in favor of the assumption by the district seeking to be annexed of its pro rata portion of such bonds, then and not until then shall such district be annexed to such high school district. If such bonded indebtedness is assumed by the annexed district then all levies of taxes made for the payment of the same and interest thereon, shall be upon the property of such annexed district at the same rate as levied upon the property of the original high school district.

Indebtedness, election to determine assumption of.

When school shall be suspended.

Twenty-third—When the average daily attendance of pupils in any high school district during the whole of any school year after the first school year shall be ten, or less than ten, the superintendent of schools shall suspend the high school in said high school district, and shall report the fact to the board of supervisors. Upon receiving such report from the superintendent, the board of supervisors shall declare the high school district lapsed, and shall cause the property thereof to be sold. All moneys received from the sale of the property of the high school district, and all moneys in the treasury to the credit of said high school district, shall be distributed by the county superintendent to the districts composing the high school district, in proportion to the assessed valuation of property in said districts.

Dissolution of district, manner of.

Twenty-fourth—Any high school district that has existed three years or more, and is now organized and existing, or which may hereafter be established, may disincorporate and be dissolved and disestablished in the following manner: A petition signed by two thirds of the heads of families, as shown by the last preceding school census, of the school district or districts composing the high school district so petitioning, shall be presented to the superintendent of schools, which petition shall set forth

briefly the reasons for disincorporation, and shall pray that the question may be submitted to the voters in said district. Upon receiving such petition the superintendent of schools shall call an election in each school district of the high school district so petitioning, and shall submit to the voters therein the question of disincorporation of such high school district. In joint union high school districts the petition shall be presented to the superintendent of schools of each county having territory within the petitioning district, and each superintendent so petitioned shall, within fifteen days after receiving such petition, order an election in the district or districts situate within his own county and forming a part of the joint union high school district petitioning. At the time of calling such election, which must be held in all the school districts of the high school district upon the same day, the superintendent or superintendents must appoint three electors in each school district contained within the high school district petitioning, to conduct the election. Notice of election shall be given by posting written or printed notice thereof in at least three of the most public places in the high school district in which the election is called, for at least twelve days next before the day set for such election, and the said notice shall be given in each school district of the high school district. Said election shall be conducted in the manner provided by law for conducting school elections. The ballots shall have printed on them the words "For disincorporation," and the voter shall write or print thereafter the word "yes" or the word "no." The election officers shall report the result of such election within five days thereafter to the superintendent of schools of the counties of which they are residents. If a majority of all the votes cast at such election be opposed to disincorporation no further petition shall be entertained or election ordered for a similar purpose within three years next following such election. If two thirds of all votes cast at such election be in favor of disincorporation, the superintendent shall, at the end of the existing school year, suspend said high school district, and report the result of the election and the fact of such suspension to the board of supervisors; *provided*, that when a joint union high school district is disincorporated under the provisions hereof, each of the superintendents of schools in the counties having territory therein shall immediately certify to the other the result of the election in his own county, and all of them shall join in the order of suspension; and each superintendent of schools shall thereafter, and before the end of the existing school year, report the result of such election and such suspension to the board of supervisors of his county. Upon receiving such report, said boards, and each of them shall, at the first meeting thereafter, make an order declaring said high school district duly disincorporated and organized, to take effect at the end of the existing district school year. When a high school has disincorporated under the provisions of this section, the property thereof shall be sold and the proceeds of such sale,

Election.

Conduct of election.

Form of ballot.

Result of election.

Declaration of dissolution.

Sale of property

together with any moneys in the treasury to the credit of such disincorporating high school district, shall be disposed of as in subdivision twenty-third hereof. When a joint union high school district is disincorporated under this section, the board of supervisors of the county within which the high school building and other property belonging to the disincorporated district is situated, shall sell the same and place the proceeds thereof to the credit of the school districts composing such disincorporated district. Such division of the said proceeds shall be in proportion to the value of property in the districts among which division is made, as determined by the last previous assessment for school purposes, and the portions of said proceeds belonging under such division to the districts in other counties than the one in which the sale is made shall be transferred, by the board making the division, to the county or counties within which such school districts are situated; but the joint union high school funds in such counties collected by taxation, for the maintenance of said joint union high school, shall be distributed by the supervisors of such counties to the districts from which they were collected.

Division
of
proceeds.

Twenty-fifth—When, in consequence of distance, or of convenience in traveling, it is more convenient for pupils residing in any high school district to attend the high school in another high school district, the high school board of the later district may admit such pupils to the high school in their district upon such terms as the two boards may arrange.

Non-
resident
pupils.

Twenty-sixth—1. When a majority of the heads of families residing in two or more adjacent districts, not in the same county, shall unite in a petition to the county superintendents of their respective counties for the establishing and maintaining of a joint union high school district, it shall be the duty of each superintendent, within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning, for the purpose of determining the question, and appoint three qualified electors in each district petitioning, to conduct the election therein. Said election shall be called and conducted in all respects as specified in subdivision fourth of this section, and the result thereof shall be reported by the election officers in each district to the superintendents of schools in the counties in which the districts are situated, within five days subsequent to the holding of said election.

Joint
union
districts,
how
formed.

2. If a majority of the votes cast in the districts shall, in the aggregate, be in favor of establishing a joint union high school, the superintendent of schools in each county shall, within fifteen days after receiving the returns of the election, direct the board of trustees in the district, or districts, in his respective county, to call a meeting of the qualified electors, as provided in subdivision sixth of this section. At said meeting the qualified electors in each district shall select representatives, as provided in said subdivision. The representatives so chosen shall meet at a time and place to be agreed upon among themselves, for the purpose of determining the name and the location of the high school, which shall be determined by the joint action of the representatives chosen, and in the

Organiza-
tion.

manner and the form provided for in the location of union high schools.

3. The joint union high school board shall be composed as provided in subdivision eighth of this section; and their powers and duties shall be such as are specified in this section for union high school boards; *provided*, that the estimate provided for in subdivision fourteenth of this section shall be furnished to the authorities in each of the counties in which the districts uniting are situated; *and provided further*, that the portion of the amount to be raised in each district shall be in proportion to the taxable property therein, as shown by the last preceding assessment roll thereof.

Joint
union
school
board.

4. All the provisions relative to the levy and collection of the tax necessary to maintain the high school district shall apply to the levy and collection of the tax for joint union high school districts; *provided*, that the amount collected in each district shall be paid into the treasury of the county in which said district is located, to the credit of a fund to be known as the joint union high school fund, and shall be paid out as provided in subdivision nineteenth of this section.

Levy and
collection
of taxes.

Twenty-seventh—All high school districts heretofore formed are hereby legalized, and cured of all defects in their formation, or organization.

Districts
heretofore
formed
legalized.

CHAPTER 520.

An act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or have on hand for sale, any milk or product of milk to which has been added, or that may contain, any compound of boron, salicylic acid, formaldehyde or other chemical or substance for the purpose of preventing or delaying fermentation. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or have on hand for sale, any milk, cream or condensed milk to which any coloring matter has been added by any person or to which any gelatin or other substance has been added by any person to increase the consistency of such milk, cream or condensed milk, so as make such milk, cream or condensed milk appear richer or to better quality; *provided*, that this section shall not be construed to prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese. The word "person" as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, corporations, companies, societies and

Milk, use
of sub-
stances to
prevent
fermenta-
tion
prohibited.

Coloring
matter.

"Person"
defined.

associations. When construing and enforcing the provisions of this act, the act, omission or failure of any employé, officer, agent or other person, acting for or employed by any individual, corporation, company, society or association, within the scope of his employment or office, shall in every case also be deemed to be the act, omission or failure of such individual, corporation, company, society or association, as well as that of the person. The provisions of this act shall be construed to apply to hotel keepers, restaurant keepers and boarding-house keepers, or to any other person who shall serve meals and accept money therefor.

Principal responsible for agent.

To whom act applies.

Duty of state dairy bureau.

SEC. 2. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of this act; *provided*, that nothing in this act shall be construed to prevent any city or county board of health or other city or county official from enforcing the provisions of this act.

Penalty for violation.

SEC. 3. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment in the county jail for not less than ten days nor more than sixty days; *provided* that no conviction shall be had when a conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed, and marked for identification, and one of such samples left with the person accused. All fines collected under this act shall be paid to the state dairy bureau when the complaint is made through the state dairy bureau and the state dairy bureau shall pay the same to the state treasurer and the amount paid by the state dairy bureau to the state treasurer is hereby appropriated to the use of the state dairy bureau for the fiscal year in which the amount is paid to the state treasurer.

Samples of milk.

Disposition of fines.

Interference with inspectors.

SEC. 4. It shall be unlawful for any person to prevent or interfere with the duly authorized inspectors or agents of the state dairy bureau, or any city or county board of health, from entering any place or premises where milk or products of milk are produced or manufactured, or prepared, or to prevent or interfere with such inspectors or agents, in the event they deem it advisable to secure samples of milk or milk products from any person producing or selling milk or products of milk for the purpose of analyzing the same to ascertain whether this act is being violated.

Duty of district attorney.

SEC. 5. It shall be the duty of the district attorney, upon application by the state dairy bureau or by any city or county board of health to attend to the prosecution, in the name of the people, of any complaint entered for the violation of any of the provisions of this act within his district.

SEC. 6. All acts, or parts of acts, inconsistent with this act are hereby repealed.

SEC. 7. This act shall take effect and be in force sixty days after its passage.

CHAPTER 521.

An act to amend section 3 of an act entitled "An act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin and for other expenses incidental and relating thereto," approved March 18, 1905.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3 of an act entitled, "An act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin and for other expenses incidental and relating thereto," approved March 18, 1905, is hereby amended to read as follows:

Section 3. No contract for lumber, iron, machinery, or material, to be used for the purposes mentioned in section one of this act, shall be entered into by the directors until publication shall be made in at least three daily newspapers, two of said newspapers to be published in the city and county of San Francisco, State of California, and one in the city of Sacramento, State of California, for at least twenty days prior thereto, inviting bids for the supplying of such material. Such bids may be in the form of sealed proposals, and shall be opened at a public meeting of the board of directors, and the contract shall be awarded to the lowest responsible bidder for the supplying of such material; *provided*, the state board of prison directors shall have the power to reject any or all bids for cause. The board of prison directors shall have power to enter into the necessary contracts for the purchase of any and all material to carry out the provisions of this act, and to employ such men as may be necessary, in addition to the prison labor, to do the work herein specified, and are hereby authorized and empowered to cut all the necessary rock and granite at the State Prison at Folsom, California, required for any of the purposes aforesaid; *provided*, that any material or equipment purchased to be used for the purposes mentioned in section one of this act, which may no longer be useful

State prison at San Quentin, additional cells.

Publication inviting bids.

Board may reject bids.

Useless material may be sold.

or necessary for said purposes, may be sold by the state board of prison directors, with the consent and approval of the state board of examiners, and the proceeds of such sales shall be reported to the state controller in such form as the controller may require, and at the same time shall be paid into the state treasury. All amounts so received shall be credited by the controller to the appropriation from which the money was originally drawn to pay for said material or equipment, and may be used for the purposes of this act, in addition to the full amount made available by said act.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 522.

An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Deposit of
public
moneys,
other than
state, in
banks.

SECTION 1. All moneys belonging to any county or municipality within the state, may be deposited by any officer of such county or municipality having the legal custody of such county or municipal funds in any licensed national bank, or banks, within this state, or in any bank, banks or corporations authorized and licensed to do a banking business, and organized under the laws of this state, *provided* that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this state, or of any county, municipality or school district within this state, approved by the officer making the deposit and the district attorney for the county or city attorney for the municipality to which the deposit belongs. The market value of the bonds furnished as security, shall be at least ten per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor; *and provided* that such bank, or banks, shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited.

Security
required.

Rare of
interest
to be fixed,
when.

SEC. 2. The rate of interest shall be fixed annually as herein provided in the month of January of each year on all deposits to be made for such year; *provided*, that the rate of interest for the year ending December 31st, 1907, may be fixed as herein provided within ninety days after this act goes into effect. The rate of interest shall be fixed in the case of counties, by the treasurer, auditor, and chairman of the board

of supervisors, and in the case of municipalities by the treasurer, auditor, (or clerk in municipalities having no auditor) and chairman of the council or other governing body of such municipality. Said rate of interest shall be a reasonable rate and not less than two per cent per annum on the daily balances deposited; and the rate of interest so established for each year as herein provided, shall be the uniform rate of interest required from all banks receiving deposits from the county or municipality, for that year.

Minimum rate.

Interest on all moneys deposited as herein provided for shall belong to the county or municipality represented by the officer making such deposit and shall be paid quarterly into the general fund of such county or municipality except where the law otherwise directs.

Interest, when payable.

SEC. 3. It shall be the duty of the officer making the deposit, to receive from the bank in which the deposit is made, a receipt or receipts in duplicate showing the date and amount of deposit and rate of interest to be paid thereon, one copy of which said officer shall keep on file in his office and he shall file one copy with the auditor of the county or auditor of the municipality (or clerk in municipalities having no auditor) as the case may be.

Receipt for deposit.

SEC. 4. Every treasurer shall keep a record in his office which shall be open to public inspection, showing at all times the amount of money on deposit and all banks in which the same is deposited, and dates of deposit. Also a record of all banks making application for the deposit of the public funds.

Record of deposits.

SEC. 5. The total amount of public moneys on deposit in any bank, shall not at any one time exceed fifty per cent of the paid up capital stock of such depository bank or banks. No officer shall have on deposit at any one time more than ten per cent of the public moneys under his control and available for deposit in any bank while there are other qualified banks requesting such deposits; *provided*, that no treasurer of a county, or municipality, shall be required to deposit public moneys in any bank outside of the county owning the money or in which the municipality is situated.

Amount that may be deposited.

SEC. 6. The receipt issued by any bank for deposits made therein, together with the bonds held as security therefor, shall be held by the treasurer making the deposit and be recognized and counted as cash to the amount recited in the receipt by the officers required by law to count the same.

Receipts to be counted as cash.

SEC. 7. Deposits, with interest thereon, shall be subject to withdrawal on demand of the treasurer making the same, or his successors in office, and any bank receiving the deposit of public moneys, may at any time return the same to the public officer making such deposit, together with interest to date of return, and it shall be the duty of the public officer upon receiving the return of such deposit, to immediately return to such bank all bonds held as security for the deposit returned. When any officer withdraws his deposit he shall return, on demand of the bank, such bonds as were held as security for the deposit or portion thereof withdrawn.

Deposits subject to call.

On failure
of bank
to repay,
security
to be sold.

SEC. 8. Should any bank fail to pay any public moneys held on deposit as herein provided, the officer making such deposit may, after ten days' written notice to such bank, proceed to sell at public or private sale, such of the bonds held by him as security as he may see fit; *provided, however,* that he shall sell no bonds for less than their face value except at public sale after ten days' printed notice in some newspaper of general circulation published in the county where the sale is to take place. The proceeds of such sale, after paying all expenses, shall be credited to the account of the bank which deposited the bonds as collateral. Any bank failing to make payment, may, at any time before the sale of the bonds is completed, stop such sale by repaying all the moneys deposited with it, together with any expense that may have been incurred by the officer making such deposit, as the result of such failure. Should the proceeds of any such sale fail to fully repay any deposit, the balance remaining unpaid may be collected in an action of law in the name of the officer making the deposit.

Public
officials
not re-
sponsible
for loss.

SEC. 9. Public officials shall not be responsible for any loss of public moneys resulting from the deposit thereof when made in accordance with the provisions of this act. It shall be the duty of the officer making the deposit to safely keep all evidence of indebtedness issued by banks for deposits made therein, and bonds deposited for security and such public officer shall be responsible for such evidence of indebtedness, and for bonds held as security therefor, together with the interest thereon and the proceeds of any sale of such bonds; and the city, county or municipality for which said officer acts, shall be responsible to such bank for the safe return of the securities furnished by it to such officer.

Trans-
portation
of moneys.

SEC. 10. The expenses of transportation of moneys to or from the state, county or municipal treasuries to such depositaries shall be borne by such depositaries.

Violation
of act
a felony.

SEC. 11. The making of profit out of county, city, town or other public moneys, or using the same for any purpose not authorized by law by any officer having possession or control thereof, shall be a felony. Any violation of the provisions of this act by a bank or a banking corporation, shall be punishable by a fine not exceeding five hundred dollars for each offense and the officers of such bank or banking corporation and officer receiving such deposit shall be guilty of a felony.

Present
laws not
abrogated.

SEC. 12. Nothing in this act contained shall prevent any county or municipality within this state from buying bonds or otherwise investing its money in any manner now provided by law and nothing herein contained as to the disposition of interest on public moneys deposited shall apply to any money received or held by any county or municipality wherein any law provides for the payment of interest or profit thereon, into any particular fund.

SEC. 13. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 14. This act shall take effect immediately.

CHAPTER 523.

An act to add a new section to the Political Code, to be known as section 625a, relating to information to be furnished each county clerk by the insurance commissioner.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

625a. The insurance commissioner of the State of California must make up and certify to the county clerk of each county of this state a complete list of all corporations engaged in the business of making, guaranteeing or becoming a surety upon bonds or undertakings required or authorized by law, holding certificates of authority to transact such business in this state, which list shall set forth:

List of surety companies to be furnished county clerks.

- (1) The full corporate name of such corporation;
- (2) The name of the state, territory or country under whose laws such corporation is organized;
- (3) The date of the certificate of authority issued to such corporation to transact such a business in this state.

What list shall show.

From and after the date when the list aforesaid shall have been certified as hereinbefore provided, the said insurance commissioners shall likewise certify to the county clerk of each county of this state, the same facts concerning any other corporation thereafter authorized to transact such business in this state.

Whenever the certificate of authority of any such corporation to do business in this state shall for any reason be surrendered, revoked, canceled, or annulled, or whenever the said certificate of any such corporation has been suspended as provided in section one thousand fifty-six of the Code of Civil Procedure of this state, or whenever any such corporation whose certificate of authority has been so suspended, again becomes authorized in law to do business in this state under such certificate of authority, the insurance commissioner of this state shall forthwith certify to the county clerk of each county of this state, the name of such corporation, and the date of such surrender, revocation, cancellation, annulment or suspension, or of renewed authority to act under such certificate.

SEC. 2. This act shall take effect thirty days from and after its passage.

CHAPTER 524.

An act to amend section two of an act entitled "An act regulating the employment and hours of labor of children—prohibiting the employment of minors under certain ages—prohibiting the employment of certain illiterate minors—providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof." Approved February 20th, 1905.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of an act entitled "An act regulating the employment and hours of labor of children—prohibiting the employment of minors under certain ages—prohibiting the employment of certain illiterate minors—providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20th, 1905, is hereby amended so to read as follows:

Minor
under 16
years,
hours of
labor of.

Section 2. No minor under the age of sixteen years shall be employed or permitted to work in any mercantile institution, office, laundry, manufacturing establishment, or workshop between the hours of ten o'clock in the evening and six o'clock in the morning.

Minor
under 14
years not
allowed
to work.

No child under fourteen years of age shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages.

Issue of
permit for
child over
12 years to
work.

Provided that the judge of the juvenile court of the county, or city and county, or in any county or city and county in which there is no juvenile court, then any judge of the superior court of the county or city and county in which such child resides, shall have authority to issue a permit to work to any child over the age of twelve years, upon a sworn statement being made to him by the parent of such child that such child is past the age of twelve years, that the parents or parent of such child are incapacitated for labor, through illness, and after investigation by a probation officer or truant officer of the city, or city and county, in which such child resides, or in cities and counties where there are no probation or truant officers, then by such other competent persons as the judge may designate for this purpose. The permit so issued shall specify the kind of labor and the time for which it is issued, and shall in no case be issued for a longer period than shall seem necessary to the judge issuing such permit. Such permit shall be kept on file by the person, firm or corporation employing the child therein designated, during the term of said employment, and shall be given up to said child upon

Permit
to specify
kind
of work.

his quitting such employment. Such certificate shall be always open to the inspection of the truant and probation officers of the city and county, city or county, in which the place of employment is situated or of the officers of the state bureau of labor statistics;

And provided, that the attendance officer of any county, city and county, or school district in which any place of employment, in this section named, is situated, shall have the right and authority, at all times to enter into any such place of employment for the purpose of investigating violations of the provisions of this act, or violations of the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for violations of the act," approved March 24th, 1903, and amended March 20th, 1905; *provided however*, that if such attendance officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance officer setting forth the fact that he has good cause to believe that the provisions of this act, or the act hereinbefore referred to, are being violated in such place of employment, issue an order directing such attendance officer to enter said place of employment for the purpose of making such investigations;

Attendance officer to have right to enter place of employment.

And provided that any such child, over the age of twelve years, may be employed at any of the occupations mentioned in this act during the regular vacation of the public schools of the city, county, or city and county in which the place of employment is situated, upon the production of a permit signed by the principal of the school which such child has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the child to whom it is issued, and the date of the termination of the vacation for which it is issued, and shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the child to whom it was issued.

Child over 12 years may work during school vacation, upon permit.

No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session, unless he or she can read English at sight and can write legibly and correctly simple English sentences, or unless he or she is a regular attendant for the then current term at a regularly conducted night school. A certificate of the principal of such school shall be held to be sufficient evidence of such attendance.

Minor under 16 years must be able to read and write English.

SEC. 2. This act shall take effect immediately.

CHAPTER 525.

An act to amend section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 692 of the Code of Civil Procedure is hereby amended to read as follows:

Notice of
sale on
execution,
how given.

692. Before the sale of property on execution, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places of the township or city where the sale is to take place, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the township or city where the sale is to take place, for not less than five days nor more than ten days.

3. In case of real property: by posting a similar notice, particularly describing the property, for twenty days, in three public places of the township or city where the property is situated, and also where the property is to be sold, and publishing a copy thereof, once a week for the same period, in some newspaper of general circulation, printed and published in the city or township, in which the property is situated, if there be one, or, in case no newspaper of general circulation be printed and published in the city or township, in some newspaper of general circulation, printed and published in the county.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

CHAPTER 526.

An act to amend section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1768 of the Code of Civil Procedure is hereby amended to read as follows:

1768. Every guardian appointed under the provisions of this chapter, whether for a minor or any other person, must pay all debts due from the ward out of his personal estate and the income of his real estate if sufficient, if not, then out of his real estate upon obtaining an order for the sale or mortgage thereof, and dispose of the same in the manner provided in this title for the sale of real estates of decedents.

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

SEC. 2. This act shall take effect immediately.

CHAPTER 527.

An act to amend section two thousand and four of the Code of Civil Procedure, stating the definition of a deposition.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two thousand and four of the Code of Civil Procedure is hereby amended so as to read as follows:

2004. A deposition is a written declaration, under oath, made upon notice to the adverse party, for the purpose of enabling him to attend and cross-examine. In all actions and proceedings where the default of the defendant has been duly entered, and in all proceedings to obtain letters of administration, or for the probate of wills and the issuance of letters testamentary thereon, where, after due and legal notice, those entitled to contest the application have failed to appear, the entry of said defaults, and the failure of said persons to appear after notice, shall be deemed to be a waiver of the right to any further notice of any application or proceeding to take testimony by deposition in such action or proceeding.

Deposition defined.

CHAPTER 528.

An act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties, jointly with other persons or corporations.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Bridges
between
two
counties,
provision
for joint
construction
and repair.

SECTION 1. In case it shall appear to the boards of supervisors of two adjoining counties that any bridge shall be necessary for highway purposes, over any navigable river, stream, or inlet of the sea, between said counties, or if any bridge existing thereover and used wholly or in part for highway purposes, (whether the same is owned by said counties or either of them, or used by them or either of them by agreement with the owner thereof,) shall, in the interests of commerce, or by reason of such bridge being out of repair or deteriorated beyond reasonable repair, require reconstruction, or rebuilding, or replacing by a new structure, or its location to be changed to such place on such navigable river, stream, or inlet of the sea, as may be better suited to its use, or to the use of such navigable water, or may tend to prevent obstruction to commerce thereon, the boards of supervisors of such counties may, in their discretion, enter into an agreement with any person or corporation for the building of a joint bridge, or the reconstruction, or rebuilding, or replacing by a new structure of such existing bridge, or the rebuilding thereof at another location, and the joint use of the same thereafter by such person or corporation, and said counties or the public, and for apportioning the expense of such joint reconstructed or relocated bridge between said counties and each of them and such person or corporation jointly using or to use the same, and to provide for the construction and use thereof in such manner and upon such terms and conditions as may be agreed upon between such counties and such person or corporation. In such case none of the provisions of subdivision 4 of section 25 of an act entitled "An act to establish a uniform system of county and township government," approved April 1, 1897, shall be applicable thereto; *provided*, that in no event shall either county agree to contribute more than one third of the cost of construction, reconstruction, relocation, or repair of any such joint bridge.

SEC. 2. This act shall take effect immediately.

CHAPTER 529.

An act to amend the Political Code by adding thereto three new sections to be numbered seven hundred and fifty-nine, seven hundred and sixty, and seven hundred and sixty-one, relating to fees of clerks of district courts of appeal, the disposition thereof and settlement therefor, by said clerks, and creating a library fund in district courts of appeal.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Political Code of the State of California is hereby amended by adding thereto, in Part III, Chapter VI, Article I thereof, three new sections to be numbered seven hundred and fifty-nine, seven hundred and sixty, and seven hundred and sixty-one, and to read respectively as follows:

759. The clerk of each of the three district courts of appeal must collect in advance the following fees: For filing the transcript on appeal in each civil case appealed to the district court of appeal, of which he is clerk, ten dollars, in full of all services rendered in each case up to the rendering of the judgment, or the issuing of the remittitur, when no petition for rehearing has been filed; for filing petition for rehearing, and for all services to the issuing of the remittitur to the court below, two dollars and fifty cents; for filing motion to dismiss appeal on clerk's certificate, two dollars and fifty cents; for filing petitions for writs of mandate, review, prohibition, and other original proceeding, seven dollars and fifty cents; in full for all services rendered in each case; for filing order extending time to file transcript, fifty cents; for certificate of admission of attorney or counselor, ten dollars; for filing each paper in proceedings for a hearing in the supreme court, twenty-five cents; for making a record upon hearing before the supreme court, and for copies of any record or document in his office, per folio, ten cents; but this fee shall not be taxed against parties to suit for any paper, or copy of paper, up to and including remittitur; for comparing any document, requiring certificate, per folio, five cents; for each certificate under seal, one dollar.

760. All fees collected by the clerk of the district court of appeal must be paid into the state treasury, fifty per cent thereof to the credit of the general fund, and fifty per cent thereof to the credit of the library fund of the district court of appeal of which he is clerk. A library fund is hereby created for each district court of appeal, for the support of the library in each respective district, which fund is under the control of the court of such district. Upon its order the controller must, without approval of any board, draw his warrant

Fees of clerks of district courts of appeal.

Disposition of fees.

Library fund.

upon the treasurer for the amount specified, and in favor of the person designated in such warrant, which warrant must be paid out of such fund.

Sec. 754
applies
hereto.

761. All the provisions of section seven hundred and fifty-four preceding, relating to settlements by the clerk of the supreme court, are hereby made applicable to the clerk of the district courts of appeal.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 530.

An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this state.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

A trust
defined.

SECTION 1. A trust is a combination of capital, skill or acts by two or more persons, firms, partnerships, corporations or associations of persons, or of any two or more of them for either, any or all of the following purposes:

Trade
restrictions.

1. To create or carry out restrictions in trade or commerce.

Limiting
production.

2. To limit or reduce the production, or increase or reduce the price of merchandise or of any commodity.

Prevent-
ing com-
petition.

3. To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity.

Fixing
prices.

4. To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption in this state.

Agree-
ments.

5. To make or enter into or execute or carry out any contracts, obligations or agreements of any kind or description, by which they shall bind or have bound themselves not to sell, dispose of or transport any article or any commodity or any article of trade, use, merchandise, commerce or consumption below a common standard figure, or fixed value, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity or transportation between them or themselves and others, so as to directly or indirectly preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of any such article or commodity, or by which they shall agree

to pool, combine or directly or indirectly unite any interests that they may have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected. Every such trust as is defined herein is declared to be unlawful, against public policy and void.

SEC. 2. For a violation of any of the provisions of this act by any corporation or association mentioned herein, it shall be the duty of the attorney-general or the district attorney of the proper county, to institute proper suits or quo warranto proceedings in any court of competent jurisdiction for the forfeiture of its charter rights, franchises or privileges and powers exercised by such corporation or association, and for the dissolution of the same under the general statutes of the state.

Violation of act.

SEC. 3. Every foreign corporation, as well as every foreign association, exercising any of the powers, franchises or functions of a corporation in this state, violating any of the provisions of this act, is hereby denied the right and prohibited from doing any business in this state, and it shall be the duty of the attorney-general to enforce this provision by bringing proper proceedings by injunction or otherwise. The secretary of state shall be authorized to revoke the license of any such corporation or association heretofore authorized by him to do business in this state.

Foreign corporations amenable.

Duty of secretary of state.

SEC. 4. Any violation of either or all of the provisions of this act shall be and is hereby declared a conspiracy against trade, and any person who may become engaged in any such conspiracy or take part therein, or aid or advise in its commission, or who shall as principal, manager, director, agent, servant or employé, or in any other capacity, knowingly carry out any of the stipulations, purposes, prices, rates, or furnish any information to assist in carrying out such purposes, or orders thereunder or in pursuance thereof, shall be, punished by a fine of not less than fifty (\$50) dollars nor more than five thousand (\$5,000) dollars, or be imprisoned not less than six months nor more than one year, or by both such fine and imprisonment. Each day's violation of this provision shall constitute a separate offense.

Penalty for violation of act.

SEC. 5. In any indictment, information or complaint for any offense named in this act, it is sufficient to state the purpose or effects of the trust or combination, and that the accused is a member of, acted with or in pursuance of it, or aided or assisted in carrying out its purposes, without giving its name or description, or how, when and where it was created.

What indictment must set out.

SEC. 6. In prosecutions under this act, it shall be sufficient to prove that a trust or combination, as defined herein, exists, and that the defendant belonged to it, or acted for or in connection with it, without proving all the members belonged to it, or proving or producing any article of agreement, or any written instrument on which it may have been based; or that it was evidenced by any written instrument at all. The character of the trust or combination alleged may be established by proof of its general reputation as such. In case any court of record, or in vacation any judge of said court in which is

Prosecutions, what to prove.

pending any civil, criminal or other action or proceeding brought or prosecuted by the attorney-general or any district attorney for the violation of any of the provisions of this act or in any action or proceeding for the violation of the law of this state, against conspiracy or combination in restraint of trade so orders, no person so ordered shall be excused from attending, testifying or producing books, papers, schedules, contracts, agreements or any other document in obedience to the subpoena or under the order of such court or any commissioner or referee appointed by said court to take testimony or any notary public or other person or officer authorized by the laws of this state to take depositions when the order made by such court or judge thereof includes a witness whose deposition is being taken before such notary public or other officer on the ground or for the reason that the testimony or evidence required of him may tend to criminate him or subject him to any penalty; but no individual shall be prosecuted or subjected to any penalty for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, before any such court, person or officer.

Books and papers must be produced when ordered.

Penalty, after notice by attorney-general.

SEC. 7. Each and every firm, person, partnership, corporation, or association of persons, who shall in any manner violate any of the provisions of this act, shall for each and every day that such violations shall be committed or continued, after due notice given by the attorney-general or any district attorney, forfeit and pay the sum of fifty (50) dollars, which may be recovered in the name of the people of the State of California, in any county where the offense is committed, or where either of the offenders resides; and it shall be the duty of the attorney-general, or the district attorney of any county on the order of the attorney-general, to prosecute for the recovery of the same. When the action is prosecuted by the attorney-general against a corporation or association of persons, he may begin the action in the supreme court of the county in which defendant resides or does business.

Contracts in violation of act void.

SEC. 8. That any contract or agreement in violation of the provisions of this act, shall be absolutely void and shall not be enforceable either in law or equity.

Provisions cumulative.

SEC. 9. That the provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this state.

Trust certificates not lawful.

SEC. 10. It shall not be lawful for any person, partnership, association or corporation, or any agent thereof, to issue or to own trust certificates, or for any person, partnership, association or corporation, agent, officer or employé, or the directors or stockholders of any corporation, to enter into any combination, contract or agreement with any person or persons, corporation, or corporations, or with any stockholder or director thereof, the purpose and effect of which combination, contract or agreement shall be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees with the

intent to limit or fix the price or lessen the production and sale of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of any such article, and any person, partnership, association or corporation that shall enter into any such combination, contract or agreement for the purpose aforesaid shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than fifty dollars, nor more than five thousand dollars.

SEC. 11. In addition to the criminal and civil penalties herein provided, any person who shall be injured in his business or property by any other person or corporation or association or partnership, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any court having jurisdiction thereof in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover twofold the damages by him sustained, and the costs of suit. Whenever it shall appear to the court before which any proceedings under this act may be pending, that the ends of justice require that other parties shall be brought before the court, the court may cause them to be made parties defendant and summoned, whether they reside in the county where such action is pending, or not.

Persons injured in business by trust may sue.

SEC. 12. The word "person" or "persons" whenever used in this act, shall be deemed to include corporations, partnerships and associations existing under or authorized by the laws of this state or any other state, or any foreign country.

"Person" defined.

CHAPTER 531.

An act approving leases heretofore made by counties or municipalities of certain lands belonging to the state.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases in which any county or municipality in the State of California has, prior to the first day of January, 1907, and subsequent to the first day of January, 1901, leased to any person or persons any tide or submerged lands belonging to the state, within the municipal boundaries of such county or municipality, or within boundaries over which it was at the time of any such lease acting in the exercise of de facto authority, the exclusive right to the use and possession of such lands from the date of such lease, for the full term thereof, not exceeding fifty (50) years in any case, is hereby confirmed in the lessee or lessees thereof and their successors in interest; and priority in date of any such leases shall give

Leases of tide lands by counties confirmed.

Improvement of premises.

priority in right; *provided*, that nothing in this act contained shall be deemed or taken to confirm any such leases, unless the property therein described shall at all times during the continuance of such leases be applied by the lessees, or their successors in interest, to public or quasi-public uses; *and provided further*, that within one (1) year from the date this act shall take effect said lessee or lessees, or their successors in interest, shall commence in good faith the improvement of said premises for the purposes aforesaid and shall prosecute the same to completion with reasonable diligence; *and provided, further*, that nothing herein contained shall be deemed to extend or revive any lease which by its terms has expired, nor to apply to any interest or claim of interest other than under a lease.

SEC. 2. This act shall take effect and be in force upon its passage.

CHAPTER 532.

An act amending section one thousand five hundred and seventy-eight of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

Order to mortgage realty.

1578. To obtain an order to mortgage such realty, the proceedings to be taken and the effect thereof shall be as follows:

Petition of executor or administrator.

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

Particular purpose to be shown.

1. The particular purpose or purposes for which it is proposed to make the note or notes and mortgage, which shall be either to maintain the ward and his family or to maintain and educate the ward when a minor, or to pay the debts, legacies, or charges of administration, or to pay, reduce, extend, or renew some lien or mortgage already subsisting on said realty or some part thereof; or, if the application be made by the guardian of any minor or incompetent person, to erect, alter or repair buildings or other structures upon, or otherwise to improve, the realty proposed to be mortgaged, or some part thereof.

Statement of facts.

2. A statement of the facts and circumstances showing the insufficiency of the income of the estate under guardianship

to maintain the ward and his family or to maintain and educate the ward when a minor and the debts, legacies, charges of administration, liens or mortgages to be paid, reduced, extended, or renewed, as the case may be; or, if the application be made by the guardian of any minor or incompetent person for the purpose of improving the realty or some part thereof, the condition and value of all the real and personal property then belonging to the estate, a statement of all debts and obligations secured or unsecured outstanding against the estate, and the character and estimated cost of the buildings, structures or other improvements proposed to be erected, altered or repaired with the proceeds of the mortgage.

3. The advantage that may accrue to the estate from raising the required money by note or notes and mortgage or providing for the payment, reduction, extension, or renewal of the subsisting liens or mortgages, as the case may be; or, if the application be made by the guardian of a minor or incompetent person for the purpose of improving the realty belonging to the estate or some part thereof, the advantage that will accrue to the estate by the making of such improvements.

Advantage that may accrue.

4. The amount to be raised, with a general description of the property proposed to be mortgaged; and,

Amount to be raised.

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

Names of legatees.

Second. Upon filing such petition, an order shall be made by the court or judge, requiring all persons interested in the estate to appear before the court or judge, at a time and place specified, not less than four nor more than ten weeks thereafter, then and there to show cause why the realty (briefly indicating it), or some part thereof, should not be mortgaged for the amount mentioned in the petition (stating such amount), or such lesser amount as to the court or judge shall seem meet, and referring to the petition on file for further particulars.

Order to show cause.

Third. The order to show cause may be personally served on the persons interested in the estate, at least ten days before the time appointed for hearing the petition, or may be published for four successive weeks in a newspaper of general circulation, published in the county.

Service of order.

Fourth. At the time and at the place appointed in the order to show cause, or at such other time and place to which the hearing may be postponed (the power to make all needful postponements being hereby vested in the court or judge), having first received satisfactory proof of personal service or publication of the order to show cause, the court or judge must proceed to hear the petition and any objections that may be filed or presented thereto. Upon such hearing, witnesses may be compelled to attend and testify, in the same manner, and with like effect, as in other cases; and if, after a full hearing,

Hearing of petition.

the court or judge is satisfied that it will be for the advantage of the estate to mortgage the whole or any portion of the real estate, an order must be made authorizing, empowering, and directing the executor or administrator, or the guardian of such minor or incompetent person, to make such mortgage, and a promissory note or notes to the lender, for the amount of the loan, to be secured by said mortgage; the order may direct that a lesser amount than that named in the petition be borrowed, and may prescribe the maximum rate of interest and period of the loan, and may direct in what coin or currency it shall be paid, and require that the interest and the whole or any part of the principal be paid, from time to time, out of the whole estate or any part thereof, and that any buildings on the premises to be mortgaged shall be insured for further security of the lender, and the premiums paid from such income.

Executor to execute note and mortgage.

Fifth. After the making of the order to mortgage, the executor, administrator, or guardian of a minor or of an incompetent person shall execute and deliver a promissory note or notes for the amount and period specified in the order, and shall execute, acknowledge, and deliver a mortgage of the premises, setting forth in the mortgage that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the incumbered land, or any portion thereof, lies. The note or notes and mortgage shall be signed by the executor, administrator, or guardian as such, and shall create no personal liability against the person so signing.

Effect of such mortgage.

Sixth. Every note or notes and mortgage so made shall be effectual to mortgage and hypothecate all the right, title, interest, and estate which the decedent, minor, or incompetent person had in the premises described therein at the time of the death of such decedent, or at the time of the appointment of the guardian of such minor or of such incompetent person, or prior thereto, had any right, title, or interest in said premises acquired by the estate of such decedent, minor, or incompetent person, by operation of law or otherwise, since the time of the death of such decedent, or the appointment of the guardian of such minor or incompetent person. Jurisdiction of the court to administer the estate of such decedent, minor, or incompetent person shall be effectual to vest such court and judge with jurisdiction to make the order for the note or notes and mortgage, and such jurisdiction shall conclusively inure to the benefit of the mortgagee named in the mortgage, his heirs and assigns. No irregularity in the proceedings shall impair or invalidate the same or the note or notes and mortgage given in the pursuance thereof, and the mortgagee, his heirs and assigns, shall have and possess the same rights and remedies on the note or notes and mortgage as if it had been made by the decedent prior to his death, the minor after reaching the age of maturity, or the incompetent person when legally competent; *provided, however*, that upon any foreclosure, if the

proceeds of the incumbered property are insufficient to pay the note or notes, and mortgage, no judgment or claim for any deficiency or such proceeds to satisfy the note or notes and mortgage, or the costs or expenses of sale, shall be had or allowed, except in cases where the note or notes and mortgage were given to pay, reduce, extend, or renew a lien or mortgage subsisting on the realty, or some part thereof, at the time of the death of the decedent, and the indebtedness secured by such lien or mortgage was an allowed and approved claim against his estate, or a lien upon the interest of the minor in said real estate at the time it vested in him, or upon the estate of the incompetent at the time the incompetency of the incompetent person was so declared by the court; *and provided also*, that in cases affecting the estate of the deceased persons, the part of the indebtedness remaining unsatisfied must be classed and paid with other demands against the estate, as provided in article three, chapter ten, of title eleven, part three, of this code, with respect to mortgages subsisting at the time of death.

Deficiency judgment on foreclosure, not to be had.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 533.

An act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty, sixteen hundred and sixty-one, sixteen hundred and sixty-five, and sixteen hundred and sixty-eight, and to repeal section sixteen hundred and sixty-three of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

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

1658. At any time after the lapse of four months from the issuing of letters testamentary or of administration, any heir, devisee, or legatee may present his petition to the court for the legacy or share of the estate to which he is entitled, or any portion thereof, to be given to him upon his giving bonds, with security, for the payment of his proportion of the debts of the estate.

Payment of legacy upon giving bonds.

SEC. 2. Section sixteen hundred and sixty of said code is hereby amended to read as follows:

1660. The executor or administrator, or any person interested in the estate, may appear at the time named and resist the application.

Executor may resist application.

SEC. 3. Section sixteen hundred and sixty-one of said code is hereby amended to read as follows:

Decree,
and
require-
ments of.

1661. If, at the hearing, it appears that the estate is but little indebted, and that the share of the party applying may be allowed to him without loss to the creditors of the estate, the court must make an order in conformity with the prayer of the applicant, requiring:

1. Each heir, legatee, or devisee, obtaining such order, before receiving his share, or any portion thereof, to execute and deliver to the executor or administrator a bond, in such sum as may be designated by the court, or a judge thereof, with sureties to be approved by the judge, payable to the executor or administrator, and conditioned for the payment, whenever required, of his proportion of the debts due from the estate, not exceeding the value or amount of the legacy or portion of the estate to which he is entitled. Where the time for filing or presenting claims has expired, and all claims that have been allowed have been paid, or are secured by mortgage upon real estate sufficient to pay them, and the court is satisfied that no injury can result to the estate, the court may dispense with the bond;

2. The executor or administrator to deliver to the heir, legatee, or devisee, the whole portion of the estate to which he may be entitled, or only a part thereof, designating it.

If, in the execution of the order, a partition is necessary between two or more of the parties interested, it must be made in the manner hereinafter prescribed. The costs of these proceedings must be paid by the applicant, or if there are more than one, must be apportioned equally among them.

Sec. 1663
repealed.

SEC. 4. Section sixteen hundred and sixty-three of said code is hereby repealed.

SEC. 5. Section sixteen hundred and sixty-five of said code is hereby amended to read as follows:

Distribu-
tion of
estate, how
and
to whom.

1665. Upon the final settlement of the accounts of the executor or administrator, or at any subsequent time, upon the application of the executor or administrator, or of any heir, legatee, or devisee, the court must proceed to distribute the residue of the estate in the hands of the executor or administrator, if any, among the persons who by law are entitled thereto; and if the decedent has left a surviving child, or the issue of a deceased child, and any of them, before the close of the administration, have died while under age and not having been married, no administration on such deceased child's estate is necessary, but all the estate which such deceased child was entitled to by inheritance must, without administration, be distributed as provided in the Civil Code. A statement of any receipts and disbursements of the executor or administrator, since the rendition of his final account, must be reported and filed at the time of making such distribution; and a settlement thereof, together with an estimate of the expenses of closing the estate, must be made by the court, and included in the order or decree, or the court or judge may order notice of the settlement of such supplementary account, and refer the same as in other cases of the settlement of accounts.

SEC. 6. Section sixteen hundred and sixty-eight of said code is hereby amended to read as follows:

1668. The order or decree may be made on the petition of the executor or administrator, or of any person interested in the estate. When such petition is filed the clerk of the court must set the petition for hearing by the court, and give notice thereof by causing notices to be posted in at least three public places in the county, setting forth the name of the estate, the executor or administrator, and the time appointed for the hearing of the petition. If, upon the hearing of the petition, the court, or a judge thereof, deems the notice insufficient from any cause, he may order such further notice to be given as may seem to him proper. At the time fixed for the hearing, or to which the hearing may be postponed, any person interested in the estate may appear and contest the petition by filing written objections thereto. If the partition is applied for, as provided in this chapter, the decree of distribution does not divest the court of jurisdiction to order partition, unless the estate is finally closed.

Decree to be made only after notice.

CHAPTER 534.

An act providing that, in any city of the first class or city and county in this state, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain pro-

cedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all acts and parts of acts in conflict herewith are hereby repealed.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Police commissioners must provide reasonable rules.

Must be in plain language.

Penalties shall be reasonable.

Repeated violations of rules.

SECTION 1. In any city of the first class or city and county, in this state, where by general law, or by charter the board of police commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to provide rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, so that the same may be easily understood by persons of ordinary education and understanding, and such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which said penalties shall be graded according to the importance and nature of the rule or regulation violated, and the consequent gravity of its violation, and in all cases such penalties shall be reasonable, and shall be couched in plain and concise language, so that the same may be easily understood by persons of ordinary education and understanding, and such penalties together with the several rules and regulations to which they are intended to apply, shall be printed or published, as the case may be, in the manual or other guide published for the guidance or information of the police officers or members of such police department, and each of such penalties shall be so printed or published in direct connection with the particular rule or regulation to which the same is intended to apply, so that the rule or regulation and the penalty for its violation may be easily and readily understood. Nothing in this section contained shall be construed to prevent or prohibit any such board of police commissioners from prescribing other and more severe penalties for a second or repeated violation of any such rule or regulation, or a subsequent violation of any such rule or regulation thus prescribed; *provided*, that such penalties shall be reasonable, and shall be printed or published as hereinbefore provided for, nor shall anything in this section contained be construed to prevent or prohibit such board of police commissioners from prescribing like or similar penalties for the violation of more than one of such rules and regulations; *provided*, that the same shall be printed or published in connection with the rule or regulation

to which the same is intended to apply as hereinbefore provided.

SEC. 2. No penalty for the violation of any rule or regulation of the board of police commissioners of any such city or city and county, as is mentioned in section one of this act, shall be inflicted upon any police officer or member of the police department thereof, except that a full, fair and impartial hearing before such board of police commissioners shall first have been had upon the charge or complaint preferred against such officer or member as hereinafter provided. Such hearing can be had only upon a written charge or complaint filed with the secretary or clerk of such board, which must be verified by the oath of the person making the same, and must contain a statement in ordinary and concise language of all the facts constituting the charge made. A copy of such charge or complaint shall be served upon the person charged at least five days prior to the time set for the hearing thereof. At such hearing the person charged shall have the right to appear in person and by counsel and make defense to such charge, he may produce witnesses to testify in his behalf upon such hearing, he shall also have the right, if he shall so request, to have all of the testimony given upon such hearing, both against him and in his behalf reduced to writing by questions and answers, or reported by a stenographer and transcribed; which said written or transcribed testimony shall be filed and remain of record in the office of the secretary or clerk of the said board of police commissioners, and such board must render its decision upon the evidence adduced upon such hearing and not otherwise. No such board of police commissioners shall have power or authority to inflict any penalty for the violation of any such rule or regulation, arbitrarily, nor unless such evidence shall justify such action.

Hearings
of charges.

Charges
must
be written.

Right
of person
charged
to appear.

Decision.

SEC. 3. In any such city, or city and county as is mentioned in section one of this act, where the right to hold the office of police officer, or member of the police department is dependent upon the "good behavior" of such officer or member subject to reasonable rules and regulations of the board of police commissioners thereof, such right to hold such office is hereby declared to be a substantial right of which he shall not be deprived arbitrarily, nor summarily, nor otherwise than upon a hearing as hereinbefore in this act provided. Superior courts and all courts of competent jurisdiction, shall have the power, by proper proceedings instituted for that purpose, to inquire as to the regularity of proceedings of boards of police commissioners upon hearings herein provided for, and to review the evidence adduced upon such hearings, and to make such orders and render such judgments as the circumstances and the law shall warrant; *provided, however*, that the courts shall not interfere with the proper exercise of discretion by such boards.

Police
officer
shall not
be arbi-
trarily
removed.

Review of
proceed-
ings
by court.

SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER 535.

An act to amend section 1763 of the Code of Civil Procedure of the State of California with reference to the appointment of guardians of insane and other incompetent persons.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1763 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Guardians
of insane
or other
incompet-
ent
persons.

1763. When it is represented to the superior court, or a judge thereof, upon verified petition of any relative or friend, that any person is insane, or from any cause mentally incompetent to manage his property, such court or judge must cause a notice to be given to the supposed insane or incompetent person of the time and place of hearing the case, not less than five days before the time so appointed, and such person, if able to attend, must be produced on the hearing, *provided* that when such person is a patient at a state hospital in this state, the certificate of the medical superintendent or acting medical superintendent of such state hospital, to the effect that such patient is unable to attend on the hearing shall be prima facie evidence of such fact.

SEC. 2. This act shall take effect immediately.

CHAPTER 536.

An act to amend section 384 of the Penal Code, and to repeal sections 384a and 384b of said Penal Code, all relating to forest fires.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 384 of the Penal Code is hereby amended to read as follows:

Setting
woods, etc.,
on fire.

Penalty for
violation
of section.

384. Any person who shall willfully or negligently commit any of the acts hereinafter enumerated in this section shall be guilty of a misdemeanor, and upon conviction thereof be punishable by a fine of not less than twenty-five nor more than five hundred dollars, or imprisonment in the county jail not less than fifteen days nor more than six months, or both such fine and imprisonment, except, that in case of an offense against subsection 5 of this section, the fine imposed may be not less than ten dollars:

1. Setting fire, or causing or procuring fire to be set to any forest, woodland, brush, prairie, grass, grain, stubble or any other material being or growing on lands not his own, without the permission of the owner of such land; *provided*, that it shall be lawful to build, in a careful manner, camp fires on any unenclosed lands, the owner of which has not forbidden such building of camp fires thereon by personal notice or by posting such prohibition in conspicuous places or otherwise; *and provided further*, that before departing from the place where such camp fire has been built, the builder of such fire first totally extinguishes the same.

Setting
woods, etc.,
on fire.

2. Allowing fires, lawfully set, to escape from the control of the person having charge thereof, or to spread to the lands of any person other than the builder of such fire.

3. Building a fire on his own land for the purpose of burning brush, stumps, logs, rubbish, fallen timber, fallows, grass or any other thing whatsoever, or blasting wood with dynamite, powder or other explosives, or setting off fireworks in forest or brush-covered land, either his own or the property of another during a dry season; *provided*, that any state or district fire warden may, in his reasonable discretion, give a written permit to any person desiring to build fires or blast as aforesaid; such permit shall contain such rules and regulations for the building and management of such fires as the state board of forestry may from time to time prescribe; and no person shall be convicted under this subsection, who shall upon the trial prove, affirmatively, that he has complied with all the rules and regulations so prescribed; *and provided further*, that any person engaged in logging redwood may carefully use explosives or fire in the manner in which it is now customarily used in such logging.

4. Using any logging locomotive, donkey or threshing engine, or any other engine or boiler, except such as use oil exclusively for fuel, in or near any forest, brush or grass land, unless he shall prove upon the trial, affirmatively, that such engines or boilers used by him were provided with adequate devices to prevent the escape of fire or sparks from smokestacks, ashpans, fireboxes or other parts, and that he has used every reasonable precaution to prevent the causing of fire thereby.

5. Refusing or failing to comply with the summons of any fire warden authorized to call out persons to aid in extinguishing forest fires, unless prevented by good and sufficient reasons.

No person shall be convicted under this section who shall have set, in good faith and with reasonable care, a back fire for the purpose of stopping the progress of a fire then actually burning.

Back fires.

One half of all fines paid into any county treasury upon conviction under this section shall be paid by the county treasurer into the state treasury to the credit of the forestry fund.

Disposi-
tion
of fines.

Secs 384a
and 384b
Penal Code
repealed.

SEC. 2. Sections 384a and 384b of the Penal Code, and all acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 537.

An act providing for the disposition of actions and proceedings in which bills of exceptions and statements on motion for a new trial have been lost or destroyed by conflagration or other public calamity.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

New trial
may be had
if bill of
exceptions
lost.

SECTION 1. When any proposed bill of exceptions, or statement of the case on motion for a new trial, in action or proceedings, is lost or destroyed by reason of conflagration or other public calamity, and no other record of the proceedings upon the trial thereof can be obtained, and such action or proceeding is subject to review by motion for new trial, pending at the time of such loss or destruction, and it is by the court in which such action or proceeding is pending, deemed impossible or impracticable to restore such proceedings (and to settle a bill of exceptions or statement of the case containing such proceedings) so as to enable the court to review the judgment or order therein by motion for new trial, the court may grant a new trial of such action or proceeding if at the time of such loss or destruction a motion for new trial be pending therein, and such action or proceeding shall thereupon be tried anew. In order to grant such new trial, it shall be unnecessary to have any bill of exceptions or statement of the case settled, but upon the facts above recited being shown to the satisfaction of the court by affidavit or otherwise, the court shall have power in its discretion to grant such new trial.

Extension
of time
pending
hearing of
motion.

SEC. 2. Pending the hearing of a motion under the preceding section to grant such new trial, the time within which a bill of exceptions might be prepared, served or presented for settlement, shall be extended, and shall not commence to run until the decision upon such motion. (The motion provided for by this act must be made within thirty days after the loss or destruction of such records; *provided* that in any case now pending such motion may be made at any time within sixty days after the passage of this act.)

SEC. 3. This act shall take effect immediately.

CHAPTER 538.

An act concerning trespassing of animals upon private lands, and the recovery of damages resulting therefrom.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It is unlawful for any person, firm or corporation owning, or having possession of, any animal, to suffer or permit such animal to break into and enter upon any land owned by, or lawfully in the possession of any person, firm or corporation, other than the owner of such animal, in all cases where such land is planted to growing crops, vines, fruit trees or vegetables, and is at the time entirely enclosed by a substantial fence or other enclosure.

Trespass of animals upon private lands.

SEC. 2. The owner of, or person who is in the lawful possession of, any land trespassed upon, in violation of this act, is entitled to recover, by action in a court of competent jurisdiction, from the owner of, or person in possession of, or person chargeable with the care of, the trespassing animal or animals, all actual damages sustained by reason of such trespass, together with costs of suit.

Action for damages.

SEC. 3. For the purpose of allowing the plaintiff a better security for the payment of any judgment he may recover in actions brought under the first two sections of this act, all the provisions of the Code of Civil Procedure of this state relating to attachment process shall apply to such actions, subject only to the following modifications, to wit: Instead of filing the affidavit on attachment, required by sections five hundred and thirty-eight and eight hundred and sixty-six of said code, the plaintiff is entitled to the issuance of a writ of attachment against the property of defendant, upon filing his complaint stating a cause of action under this act, verified according to the law concerning the verification of pleadings.

Security for payment of judgment.

SEC. 4. No animal is exempt from attachment or execution, levy and sale, to satisfy a judgment that may be rendered against the owner of such animal for trespass committed by such animal.

No animal exempt from execution.

SEC. 5. In all other matters than those in which a different rule is herein prescribed the course of procedure prescribed in the Code of Civil Procedure of this state shall prevail in suits brought under this act.

Course of procedure.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed; *provided*, nothing in this act shall be deemed or construed to repeal an act of the legislature of this state relating to estrays, approved March 23rd, 1901.

Estray law not affected hereby.

SEC. 7. This act shall take effect and be in force from and after its passage.

CHAPTER 539.

An act to amend section thirty-four of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to the expenses of making the assessment for work authorized by this act.

[Approved March 23, 1907.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That section 34 of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, is hereby amended to read as follows:

City engineer to do surveying.

Section 34. First. The city engineer, or where there is no city engineer, the county, or city and county surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this state of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this act, as in other cases. In all those cities where there is no city engineer the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of city engineer, and all the provisions hereof applicable to the city engineer shall apply to such person so appointed. Said city council is hereby empowered to fix his compensation for such services.

Definitions.

Second. The words "work," "improve," "improved" and "improvement," as used in this act, shall include all work mentioned in this act, and also the construction, reconstruction and repairs of all or any portion of said work.

Incidental expenses defined.

Third. The term "incidental expenses," as used in this act, shall include the compensation of the city engineer for work done by him; also the cost of printing and advertising, as provided in this act, and not otherwise; also the compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in section 35 of this act; also the expenses of making the assessment for any work authorized by this act. All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent by itemized bill, duly verified by oath of the demandant.

Fourth. The notices, resolutions, orders or other matter required to be published by the provisions of this act, and of the act of which this is amendatory, shall be published in a daily newspaper, in cities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the council of such city, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; *provided, however*, that only in case there is no daily, semi-weekly or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this act, shall be necessary to give validity to any of the proceedings provided for therein.

Notices,
how
published.

When
may be
posted.

Fifth. The word "municipality" and the word "city," as used in this act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Defini-
tions.

Sixth. The words "paved" or "repaved," as used in this act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood or other material, whether patented or not, which the city council shall by ordinance adopt.

Seventh. The word "street," as used in this act, shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, and the term "main street" means such actually opened street or streets as bound a block; the word "blocks," whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

Eighth. The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such person so appointed.

Defini-
tions.

Ninth. The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

Tenth. In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees, or other chief executive officer of the municipality.

Eleventh. The term "clerk" and "city clerk," as used in this act, is hereby declared to include any person or officer who shall be clerk of the said city council.

Twelfth. The term "quarter block," as used in this act as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city.

Thirteenth. The term "one year," as used in this act, shall be deemed to include the time beginning with January first and ending with the thirty-first day of December of the same year.

Fourteenth. References in certain sections, by number, to certain other sections of "this act" refer to the number of the sections of the original act, as heretofore amended, unless it appears from the context that the reference is to the section of this amendatory act, when it shall be construed according to the context.

SEC. 2. This act shall take effect and be in full force from and after its passage.

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.



CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER 1.

Senate Concurrent Resolution No. 1, relative to inaugural ceremonies.

[Adopted January 15, 1907.]

Resolved by the Senate, the Assembly concurring, That a committee of three members of the senate be appointed to confer with a committee of four from the assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the president of the senate and the speaker of the assembly, respectively, and to have full power to act in the premises. Any expense to be paid equally by the senate and assembly out of their several contingent funds, and not to exceed in the aggregate the sum of fifteen hundred dollars.

Committee
on
inaugural
ceremonies.

Expense

CHAPTER 2.

Assembly Concurrent Resolution No. 1, relative to canvassing election returns.

[Adopted January 16, 1907.]

Resolved by the Assembly, the Senate concurring, That the senate and assembly meet in joint session in the assembly chamber at two o'clock in the afternoon of this day, January 8, 1907, for the purpose of being present when the speaker of the assembly shall open and publish the returns of the election for governor and lieutenant-governor, as provided and required by Article V, Section 4, of the Constitution of the State of California.

Joint
session of
senate and
assembly.

CHAPTER 3.

Assembly Concurrent Resolution No. 10.

[Adopted January 26, 1907.]

WHEREAS, In His infinite wisdom, God has seen fit to take from our midst our honored, esteemed and lovable colleague, the Honorable John J. Burke; therefore, be it

Committee to draft resolutions in memory of the late John J. Burke.

Resolved by the Assembly, the Senate concurring, That the speaker of the assembly appoint five members of the assembly and the president of the senate appoint five members of the senate to act as a joint committee and draft suitable resolutions in memory of our late, honorable and esteemed colleague and friend the Honorable John J. Burke.

CHAPTER 4.

Assembly Concurrent Resolution No. 11.

[Adopted January 26, 1907.]

Joint committee to take charge of funeral of the late John J. Burke.

Resolved by the Assembly, the Senate concurring, That a committee of five, consisting of three members of the assembly and two members of the senate, be named by the speaker of the assembly and the president of the senate, respectively, and appointed to take charge of all arrangements for the funeral service of the late John J. Burke, and that the expenses be paid out of the contingent fund of the assembly; and the senate is hereby invited to meet the assembly in joint session at 12:00 noon, this day.

CHAPTER 5.

Assembly Joint Resolution No. 2.

[Adopted January 29, 1907.]

Relating to transfer of jurisdiction of national parks.

WHEREAS, There is now pending in the house of representatives, Bill No. H. R. 7017, introduced by the Hon. James C. Needham, congressman from the sixth congressional district of the State of California, providing for the transfer of certain national parks from the Department of Interior to the Department of Agriculture, and for other purposes.

AND WHEREAS, It is deemed for the best interests of the government of said parks that jurisdiction thereof be transferred from the Department of Interior to the Department of Agriculture, as provided for in said bill; therefore, be it

Resolved by the Senate of California and the Assembly jointly, That our senators in congress are hereby instructed, and our members in congress be requested, to use all honorable means to secure the passage of said bill above mentioned; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the chief clerk of the assembly to the president of the senate of the United States and the speaker of the house of representatives of the United States, and a copy hereof to each member of congress from the State of California.

CHAPTER 6.

Assembly Concurrent Resolution No. 5, approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 28th day of March, 1906.

[Adopted February 1, 1907.]

WHEREAS, The City of Santa Monica, in Los Angeles County, California, is now, and at all the time herein referred to, was a city containing a population of more than three thousand five hundred, but less than ten thousand; and

Charter of
the City
of Santa
Monica.

WHEREAS, At an election held in said city on October 17, 1905, in accordance with law and the provisions of section eight of article eleven of the Constitution of this State, a board of fifteen freeholders, duly qualified, was duly elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which said board of fifteen freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, which said charter was, on the eleventh day of January, 1906, signed in duplicate by a majority of the members of said board of fifteen freeholders, and was duly returned, one copy thereof to the President of the Board of Trustees of said city, and the other copy thereof to the County Recorder of the County of Los Angeles (within which county said city is situated); and

Preamble.

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city, to-wit: in "The Daily Outlook," for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; and

WHEREAS, Said charter was, within not less than thirty days after the publication of said charter, as required by section eight, to-wit: on the twenty-eighth day of March, 1906, was submitted by the legislative authority of said city, to-wit: by the Board of City Trustees thereof, to the qualified electors of said city, at a special election, held in said city on the twenty-eighth day of March, 1906; and

WHEREAS, The returns of said election were duly canvassed by said Board of City Trustees of said City of Santa Monica on the second day of April, 1906, and the result thereof declared as above set forth; and

WHEREAS, Said charter is now submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provision of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter is in the words and figures following, to-wit:

ARTICLE I.

INCORPORATION AND POWERS.

Name. SECTION 1. The municipal corporation now existing and known as "The City of Santa Monica," shall continue to be a municipal corporation under the name and style of "City of Santa Monica," and with the same boundaries it now has, to-wit:

Bound- Commencing at a point in the ordinary Tide line of the aries. Pacific Ocean, distant Thirty and Sixty Hundredths feet (30. 60-100) Southeasterly of the Southerly line of Marine Street as shown on the Map of the Crescent Bay Tract, as recorded in Book 2 Pages 13-14 of Maps, Los Angeles County Records.

Thence extending North 56 degrees East to the Southwest corner of Block C of the Santa Monica Tract, as per Map recorded in Book 53 Page 29 Miscellaneous Records, Los Angeles County.

Thence extending Northeasterly along the Southerly line of the Santa Monica Tract to the Southeast corner of Block B of said Santa Monica Tract.

Thence extending Northeasterly along the Southerly line of the Lucas Tract, to the Southeast corner of Block 47 of said Lucas Tract as per map recorded in Book 6 Page 221 Miscellaneous Records, Los Angeles County.

Thence extending North 57 degrees 30 minutes East to the Northwest corner of the Mesa La Ballona Tract as per map recorded in Book 5 Page 184 of Maps, Los Angeles County Records.

Thence North 57 degrees 45 minutes East along the Northerly line of said Mesa La Ballona Tract, and its prolongation thereof, to the Westerly line of Ballona Road No. 2.

Thence North 33 degrees and 30 minutes West along the Westerly line of said Ballona Road No. 2 to a point in the dividing line between the Ranches San Vicente Y Santa Monica, and La Ballona.

Thence North 64 degrees and 56 minutes West along the Southerly line of the Twenty-seventh (27th) Street extension to the Southeasterly corner of the S. P. R. R. Co.'s yards, (55 Acre Tract.)

Thence South 75 degrees and 52 minutes West along the

Southerly line of S. P. R. R. Co.'s yards (55 Acre Tract) Four Thousand (4000) feet to the Southwest corner of said S. P. R. R. Co.'s yards (55 Acre Tract). Bound-
aries.

Thence Northwesterly along the Westerly line of the aforesaid S. P. R. R. Co.'s yards (55 Acre Tract).

Thence North 14 degrees and 28 minutes West to a point in the Southerly line of Colorado Avenue (formerly known as Railroad Ave.) as per map of the Villa Farms, recorded in Book 3 Pages 118-119 Miscellaneous Records, Los Angeles County.

Thence Northeasterly along the Southerly line of Colorado Avenue, to a point in the Westerly line of Cambridge Street as per Map of the Artesian Tract recorded in Book 4 Page 90 of Maps, Los Angeles County Records.

Thence Northwesterly along the Westerly line of Cambridge Street to the Southerly line of Nevada Avenue.

Thence North 44 degrees and Three minutes West Two Thousand Eight Hundred and Forty (2840) feet to the Northerly line of Montana Avenue if prolonged Northeasterly.

Thence extending Southwesterly along the Northerly line of Montana Avenue and the Northerly line of said avenue projected Southwesterly to a point in the Westerly boundary line of Los Angeles County (in the Pacific Ocean).

Thence Southeasterly along the aforesaid boundary line to a point where a straight line bearing South 56 degrees West would intersect the said boundary line of Los Angeles County.

Thence North 56 degrees East to the place of beginning.

And such additional territory as may from time to time be annexed.

WARDS.

SEC. 2. The City shall be divided into seven wards as follows: Number of
wards.

First Ward.

Commencing at the intersection of the center lines of Sherman Avenue, East Santa Monica, with the Southeasterly Corporate Limits of the City of Santa Monica. Bound-
aries of
first ward.

Thence extending Northwesterly along the center line of Sherman Avenue to the center line of Central Avenue.

Thence Southwesterly along the center line of Central Avenue, to the center line of South Fourth (4th) Street.

Thence Southeasterly along the center line of South Fourth Street (4th) to the center line of East Hill Street.

Thence Southwesterly along the center line of East Hill Street to the Easterly line of the Trolleyway, so called.

Thence Southwesterly to the point of intersection of the center line of the alley in block two (2), Crescent Bay Tract (between Hill and Surf Streets) with the Westerly line of the Trolleyway.

Thence Southwesterly along the center line of the alley in said block two (2), Crescent Bay Tract, to the center line of the Speedway.

Thence Southeasterly along the center line of the Speedway to the center line of West Hill Street.

Thence Southwesterly along the center line of West Hill Street, and its prolongations thereof, to the Southwesterly line of the City Limits.

Thence Southeasterly along the Westerly line of the City Limits to the Southeasterly corporate limits.

Thence Northeasterly along the Southerly line of the City Limits to the place of beginning.

Second Ward.

Boundaries of second ward.

Commencing at the intersection of the center lines of Central and Sherman Avenues.

Thence extending Northwesterly along the center line of Sherman Avenue to the center line of Pearl Street.

Thence Southwesterly along the center line of Pearl Street to the center line of South Eighth (8th) Street.

Thence Northwesterly along the center line of South Eighth (8th) Street, to the center line of Garfield Avenue.

Thence Southwesterly along the center line of Garfield Avenue to the Easterly line of Block "G" of the Ocean Spray Tract.

Thence Northwesterly along the Easterly line of said Block "G" Ocean Spray Tract, to the Northeast corner of lot Twenty (20) of said Block "G" Ocean Spray Tract.

Thence Southwesterly along the Northerly line of said lot twenty (20) Block "G" Ocean Spray Tract, and its prolongation thereof to the center line of South Sixth (6th) Street.

Thence Southeasterly along the center line of South Sixth (6th) Street, to the center line of Strand Street.

Thence Southwesterly along the center line of Strand Street to the center line of South Fourth (4th) Street.

Thence Southeasterly along the center line of South Fourth (4th) Street to the intersection of the dividing lines between lots 5 and 6 of Vawter's Subdivision of Blocks 6-13, Lucas Tract projected Northeasterly.

Thence Southwesterly along the center lines of said lots 5 and 6, Vawter's Subdivision of Blocks 6-13, Lucas Tract, to the center line of South Third (3rd) Street.

Thence Southeasterly along the center line of South Third (3rd) Street to the center line of Mills Street.

Thence Southwesterly along the center line of Mills Street to the center line of Lake Street.

Thence Southwesterly along the dividing lines between lots 18 and 19, and lots 45 and 46, Block P, Santa Monica Commercial Co.'s Tract.

Thence continuing Southwesterly along the dividing lines between lots 19 and 20 and their prolongation thereof, of Block R of the said Santa Monica Commercial Co.'s Tract, to the Easterly line of the Trolleyway.

Thence Northwesterly along the Easterly line of the Trol-

leyway to the intersection of the center line of Hart Avenue if prolonged Northeasterly. Boundaries of second ward.

Thence Southwesterly along the center line of Hart Avenue and its prolongation thereof to the Southwesterly line of the City Limits.

Thence Southeasterly along the Southwesterly line of the City Limits to its intersection with the center line of West Hill Street if prolonged Southwesterly.

Thence Northeasterly along the center line of West Hill Street, and its prolongation thereof, to the center line of the Speedway.

Thence Northwesterly along the center line of the Speedway to the center line of the alley in Block Two (2) Crescent Bay Tract (between Hill and Surf Streets).

Thence Northeasterly along the center line of said alley to the Westerly line of the Trolleyway.

Thence Northeasterly to the point of intersection of the center line of East Hill Street, with the Easterly line of the Trolleyway.

Thence Northeasterly along the center line of East Hill Street, to the center line of South Fourth (4th) Street.

Thence Northwesterly along the center line of South Fourth (4th) Street, to the Center line of Central Avenue.

Thence Northeasterly along the center line of Central Avenue to the place of beginning.

The Southeasterly line of Ward Two (2) is identical with the Northwesterly line of Ward One (1).

Third Ward.

Commencing at the intersection of the center lines of Pearl Street and Sherman Avenue. Boundaries of third ward.

Thence Northwesterly along the center line of Sherman Avenue to the center line of Front Street.

Thence Southwesterly along the center line of Front Street, and its prolongation thereof, to the Southwesterly line of the City Limits.

Thence Southeasterly along the Southwesterly line of the City Limits to its intersection with the center line of Hart Avenue if prolonged Southwesterly.

Thence Northeasterly along the center line of Hart Avenue and its prolongation thereof to the Easterly line of the Trolleyway.

Thence Southeasterly along the Easterly line of the Trolleyway to the intersection of the dividing lines of lots 19 and 20, Block R and lots 45 and 46, and 18 and 19, Block P, Santa Monica Commercial Co.'s Tract and its prolongation thereof.

Thence Northeasterly along the said dividing lines of said lots 19 and 20, Block R, and lots 45 and 46 and 18 and 19, Block P, Santa Monica Commercial Co.'s Tract to the intersection of the center line of Lake Street and Mills Street.

Thence Northeasterly along the center line of Mills Street to the center line of South Third Street.

Thence Northwesterly along the center line of South Third (3rd) Street to its intersection with the dividing line between lots 5 and 6, Vawter's Subdivision of Blocks 6-13, Lucas Tract.

Thence Northeasterly along said dividing line between lots 5 and 6, Vawter's Subdivision of Blocks 6-13, Lucas Tract, to the center line of South Fourth (4th) Street.

Thence Northwesterly along the center line of South Fourth (4th) Street, to the center line of Strand Street.

Thence Northeasterly along the center line of Strand Street, to the center line of South Sixth (6th) Street.

Thence Northwesterly along the center line of South Sixth (6th) Street, to the Northerly line of lot Twenty (20) Block "G" Ocean Spray Tract, if prolonged Westerly.

Thence Northeasterly along the Northerly line of said lot Twenty (20) Block "G" Ocean Spray Tract, to the Easterly line of Block "G" of said Ocean Spray Tract.

Thence Southeasterly along the Easterly line of said Block "G" to the center line of Garfield Avenue.

Thence Northeasterly along the center line of Garfield Avenue, to the center line of South Eighth (8th) Street.

Thence Southeasterly along the center line of South Eighth (8th) Street to the center line of Pearl Street.

Thence Northeasterly along the center line of Pearl Street to the place of beginning.

The Southeasterly line of Ward Three (3) is identical with the Northwesterly line of Ward Two (2).

Fourth Ward.

Bound-
aries of
fourth
ward.

Commencing at the center line of Seventeenth (17th) Street, if prolonged Southeasterly, with the center line of Front Street.

Thence Northwesterly along the center line of Seventeenth Street, and its prolongation thereof, to the center line of Utah Avenue.

Thence Southwesterly along the center line of Utah Avenue, and its prolongation thereof to the Southwesterly line of the City Limits.

Thence Southeasterly along the Southwesterly line of the City Limits, to the intersection of the center line of Front Street if prolonged Westerly.

Thence Northeasterly along the center line of Front Street, and its prolongation thereof to the place of beginning.

The Southeasterly line of Ward Four (4) is identical with the Northwesterly line of Ward Three (3).

Fifth Ward.

Bound-
aries of
fifth ward.

Commencing at the center line of Seventeenth (17th) Street and Utah Avenue.

Thence extending Northwesterly along the center line of Seventeenth (17th) Street to the center line of Arizona Avenue.

Thence Southwesterly along the center line of Arizona Avenue and its prolongation thereof to the Southwesterly line of the City Limits.

Thence Southeasterly along the said Southwesterly line of the City Limits to the center line of Utah Avenue if prolonged Westerly.

Thence Northeasterly along the center line of Utah Avenue and its prolongation thereof, to the place of beginning.

The Southeasterly line of Ward Five (5) is identical with the Northwesterly line of Ward Four (4).

Sixth Ward.

Commencing at the intersection of the center line of Arizona Avenue and Seventeenth (17th) Street.

Thence extending Northwesterly along the center line of Seventeenth (17th) Street to the Northwesterly City Limits.

Thence Southwesterly along the Northwesterly line of the City Limits to the Southwesterly City Limits.

Thence Southeasterly along the Southwesterly line of the City Limits, to the center line of Arizona Avenue if prolonged Southwesterly.

Thence Northeasterly along the center line of Arizona Avenue and its prolongation thereof, to the place of beginning.

The Southwesterly line of Ward Six (6) is identical with the Northwesterly line of Ward Five (5).

Seventh Ward.

Commencing at the point of intersection of the center line of Sherman Avenue with the Southeasterly City Limits.

Thence extending Northwesterly along the center line of Sherman Avenue, to the center line of Front Street.

Thence Southwesterly along the center line of Front Street to the center line of Seventeenth (17th) Street if prolonged Southeasterly.

Thence Northwesterly along the center line of Seventeenth (17th) Street, and its prolongation thereof, to the Northwesterly City Limits.

Thence Northeasterly along the Northerly line of the City Limits, to the Northeasterly line of the City Limits.

Thence Southerly along the Northeasterly and Southeasterly boundary lines to the place of beginning.

Being all of that territory within the Corporate Limits of Santa Monica lying Northeasterly of the center line of Seventeenth (17th) Street, and its prolongation thereof, and Sherman Avenue, between the Northwesterly and Southeasterly City Limits.

The Southwesterly line of Ward Seven (7) is identical with the Northeasterly lines of Wards One to Six (1 to 6).

SEC. 3. The Council may alter the lines of any ward by ordinance adopted by a vote of at least five of its members and approved by the Mayor at any time within ninety days after a general municipal election but at no other time.

Bound-
aries of
sixth
ward.

Bound-
aries of
seventh
ward.

How
bound-
aries
may be
altered.

ARTICLE II.

Corporate
powers.

SECTION 1. The said corporation shall have the power :

(1) To make and use a corporate seal and alter the same at pleasure.

(2) To sue and be sued in all actions and proceedings whatever.

(3) To have perpetual succession.

(4) To erect and maintain public buildings, and to lay out, establish, improve and maintain public parks and cemeteries.

(5) To provide for the care of the sick and helpless.

(6) To make regulations to prevent the spread of epidemics and contagious diseases.

(7) To provide for supplying the city and its inhabitants with water, gas and electricity, or other means of heat and illumination, and power.

(8) To lay out, open, extend, widen, improve or vacate, pave and repave streets and alleys, sidewalks and crossings, and other highways.

It shall have power to declare any street or highway within said city a boulevard and may restrict the traffic thereon.

(9) To construct and maintain sewers, drains and other works necessary for the disposition of sewage.

(10) To establish and maintain public schools and public libraries.

(11) To levy assessments upon property to pay for the improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes; *provided* that the tax levied for any one year, for all municipal purposes, other than for parks, library, schools and payment of interest on the municipal debt and redemption of bonds, shall not exceed \$1 on each \$100 worth of taxable property.(12) To manage, control, sell, lease or otherwise dispose of any or all of the property of the said corporation; and to appropriate the income or proceeds thereof to the use of the said corporation; *provided* that it shall have no power to mortgage or hypothecate its property for any purpose.(13) To license and regulate the carrying on of any and all professions, trades, callings and occupations carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in such professions, trades, callings or occupations, provide the manner of enforcing the payment of the same; *provided* that no discrimination shall be made between persons engaged in the same business otherwise than by proportioning the tax upon any business to the amount of business done; and to license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughter-houses, butcher-shops, hawkers, peddlers, pawn-brokers, dance halls, melodeons, shows, circuses, public billiard tables, bowling and tenpin alleys, the sale or giving away of malt, vinous,

fermented, or other alcoholic or intoxication liquors as a business, except for medicinal purposes by licensed druggists on the prescription of a regularly licensed physician; *provided* that nothing herein shall prevent the submission of the question whether the sale or giving away of such liquors may be licensed or prohibited to the voters at any election under the provisions herein concerning the initiative and referendum, and to suppress and prohibit all faro banks, games of chance, gambling-houses, tables on stands, bawdy-houses, the keeping of bees within the city limits, and any and all obnoxious, offensive, immoral, indecent or disreputable places of business or practice.

Corporate powers.

(14) To create offices, and provide for the election or appointment of officers other than those established by this Charter, or by the general law, whenever the public convenience may require the same, and prescribe their duties and fix their compensation. But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this Charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.

(15) To acquire, by purchase, condemnation, or other lawful means, property, both real and personal, including water and water rights, electric plants and gas plants, wharves, railroads, bridges and other public utilities within or without the corporate limits, necessary or convenient for municipal purposes, or for exercise of the powers granted to said corporation.

(16) To fix the salaries of municipal officers, except those officers whose salaries are fixed by this Charter.

(17) To provide and maintain a proper and efficient fire department, and make and adopt such measures, rules and regulations for the prevention and extinguishing of fires, and for the preservation of property endangered thereby, as may be deemed expedient.

(18) To protect the property of its inhabitants against inundations.

(19) To provide against the existence of filth, garbage and other injurious and inconvenient matter within the city, and for the disposition of the same.

(20) To make violations of its ordinances a misdemeanor in all proper cases, and to prescribe the punishment therefor, by fine or imprisonment, or by both; but such fine not to exceed \$500, and such imprisonment not to exceed six months.

(21) To prescribe the places at which elections shall be held and appoint the officers of election.

(22) To make and enforce within its limits such local, police, sanitary and other regulations as are not in conflict with general laws and are deemed expedient to maintain the public peace, protect property, promote the public morals and to preserve the health of its inhabitants.

(23) To exercise all municipal powers necessary to the complete and efficient management and control of the munic-

ipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not, except such powers as are forbidden or are controlled by general law.

(24) The powers conferred by this article shall be exercised by ordinance, except as hereinafter provided.

ARTICLE III.

OFFICERS OF THE MUNICIPALITY.

Officers.

SECTION 1. The officers of the municipality shall be:

A Mayor.

One Councilman from each ward.

A City Clerk, who shall be ex-officio Clerk of the Police Court and ex-officio Clerk to the Superintendent of Streets.

A City Treasurer, who shall be ex-officio Tax Collector.

A City Assessor.

A City Engineer.

A City Attorney.

A Street Superintendent.

A Superintendent of Building.

Five Members of the Board of Education.

Five Trustees of Santa Monica Public Library.

Three Police Commissioners.

Three Fire Commissioners.

Three Park Commissioners.

Three Members of the Board of Health.

A City School Superintendent.

A Chief of Police.

A Chief of the Fire Department.

An Assistant Chief of the Fire Department.

A Health Officer.

Elective officers.

SEC. 2. The following officers shall be elected by the electors of the City of Santa Monica at large, to wit:

The Mayor.

The City Clerk.

The City Treasurer.

The City Assessor.

Five Members of the Board of Education.

And by the electors of each ward respectively:

One Member of the Council.

Appointive officers.

SEC. 3. The following officers shall be appointed by the mayor and confirmed by the council:

A City Engineer.

A City Attorney.

A Superintendent of Building.

A Street Superintendent.

Five Trustees of Santa Monica Public Library.

Three Police Commissioners.

Three Fire Commissioners.

Three Park Commissioners.

Three Members of the Board of Health.

SEC. 4. All elective officers, except those elected at the first general municipal election held after the taking effect of this Charter, shall hold their offices for the term of two years, commencing on the first Monday in January next succeeding their election.

Term of elective officers

SEC. 5. The City School Superintendent shall be appointed by the Board of Education. The Chief of Police shall be appointed by the Board of Police Commissioners. The Chief and Assistant of the Fire Department shall be appointed by the Board of Fire Commissioners. The Health Officer shall be appointed by the Board of Health.

Certain officers, how appointed.

SEC. 6. All appointed officers shall hold office until removed by the appointing power, which shall have the power of removing in all cases; *provided* that where confirmation is required the assent of the confirming body shall be requisite for removal.

Term of appointive officers.

The Council shall have power to suspend any officer of the city, pending trial, against whom criminal proceedings based on misdemeanor in office or civil action for recovery of money due the city has been commenced, and to appoint a substitute for such officer during suspension.

Council may suspend any officer.

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.

SEC. 7. No elective officer shall during the term for which he has been elected be eligible to any office under this Charter other than that to which he has been elected.

Can not hold two offices.

SEC. 8. Officers of the municipality must not be interested in any contract made by them in their official capacity, nor by any body or board of which they are members.

Must not be interested in contracts.

ARTICLE IV.

POWERS AND DUTIES OF THE COUNCIL.

SECTION 1. All legislative power of the city is vested in the Council, subject to the power of veto and approved by the Mayor, as hereinafter given, and shall be exercised by ordinance; other action of the Council may be by order upon motion.

Legislative power vested in council.

SEC. 2. The said Council, consisting of one Councilman from each ward, elected as herein provided, is the governing body of the city, and shall meet at least once a week, and shall by ordinance provide for the manner, time and place of holding all regular and special meetings.

Shall meet weekly.

SEC. 3. The Council shall meet in the city hall of the city. The records of its proceedings shall be open for inspection during usual office hours.

Place of meeting.

SEC. 4. The enacting clause of all ordinances shall be substantially as follows: "The Mayor and Council of the City of Santa Monica do ordain as follows:"

Enacting clause.

Quorum. SEC. 5. Four members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be passed or other act done granting a franchise, making any contract, auditing any bill, ordering any work to be done, or supplies to be furnished, disposing of or leasing the city property, ordering any assessment for street improvement, or building sewers, or any other act to be done involving the paying of money, or the incurring of debt by the city, unless five of the members of the Council vote in favor thereof. All other ordinances may be passed by a vote of a majority of the whole Council.

Bonds. SEC. 6. All bonds of officers must be approved by the Council, as also the bonds of any contractors with the city. The City Clerk shall indorse upon such bonds the date of their approval, which indorsement shall be signed by the presiding officer of the Council and the City Clerk.

Clerk must be present. SEC. 7. The City Clerk shall be present at the meeting of the Council during its sessions.

Proceedings must be kept by clerk. SEC. 8. The meetings of the Council shall be public and a journal of the proceedings be kept by the Clerk under its direction and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any other act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the salaries of the municipal officers; and in all other cases upon the call of any member.

Qualification of members. SEC. 9. The Council shall be the judge of the election and qualification of its members. It shall elect one of its members as its presiding officer, who shall be styled President of the Council, and who shall, in case of illness of the Mayor or in his absence from the city, act as the Mayor of the city. 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 committed in its presence by fine not exceeding fifty dollars, and imprisonment not exceeding ten days, or by both such fine and imprisonment.

Duties of all officers. SEC. 10. It shall prescribe by ordinance the duties of all officers whose duties are not defined by this Charter, and it may by ordinance prescribe for any officer duties other than those herein prescribed and not inconsistent with the provisions of this Charter, and may fix the hours during which the public office of any city officer shall be kept open, if not otherwise herein provided.

Rooms for police court. SEC. 11. It shall provide suitable rooms for the Police Court and officers, and the furniture, fuel, lights and stationery necessary for the transaction of the business of the city.

Exits from public buildings. SEC. 12. It shall by ordinance regulate the entrance to and exits from theatres, lecture rooms, churches, public halls, and public buildings of every kind, and prohibit the placing of

chairs, benches, or other obstructions in the hall aisles or open places therein.

SEC. 13. It may, by ordinance, declare what constitutes a nuisance, and provide for the abatement and removal thereof. Nuisances.

SEC. 14. It shall make proper provision for the care, custody and feeding of all persons imprisoned by municipal authority, and may, by ordinance require all persons held under sentence to perform any public work. Care of prisoners.

SEC. 15. It shall, by ordinance, regulate the keeping of gunpowder, acids, or other explosives, combustible or inflammable material within the limits of the city, or any specified part thereof. Explosives.

SEC. 16. It shall provide for the survey of streets and blocks of land within the limits of the city, and may, by ordinance, declare such surveys official, and may compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official, or otherwise dedicated. Surveys of streets.

SEC. 17. It shall by ordinance, establish fire districts, and determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within such limits. Fire districts.

SEC. 18. The Council shall have power, by ordinance, to regulate and provide for lighting of streets, laying down gas pipes and erection of lamp posts, electric towers and other apparatus, and to regulate the sale and use of gas and electric light, and regulate the inspection thereof, and to regulate telephone service, and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service, and connections; and to prohibit or regulate the erection of poles for telegraph, telephone or electric wire in the public grounds, streets or alleys, and the placing of wire thereon; and to require the removal from the public grounds, streets or alleys of any or all such poles, and the removal and placing underground of any or all telegraph, telephone or electric wires. Lighting of streets.

SEC. 19. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the street, or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells, and other noises. Naming streets.

SEC. 20. It may, by ordinance, provide for maintaining a fire alarm and police telegraph system, and for the cleaning and sprinkling of graded and accepted streets. Fire alarm system.

SEC. 21. It shall, by ordinance, regulate the speed of railroad trains, engines, electric cars and all other vehicles in the city, and require railroad companies either to station flagmen, place gates or viaducts at all such streets as it may deem proper. Speed of trains.

Street crossings to be kept clear.

SEC. 22. It shall, by ordinance, regulate and may prohibit the making up of railroad trains on any of its streets, and the stopping of any train on any street crossing.

Garbage.

SEC. 23. It shall, by ordinance, provide for the removal of all rubbish, garbage, refuse matter, and all other material detrimental to the public health, and shall prescribe the manner and time of such removal.

Weeds.

SEC. 24. To declare by ordinance weeds and rubbish on lands or lots or the sidewalk space in front thereof, to be a nuisance, and to provide for the abating of the same, and to levy an assessment on said lands or lots to pay the cost of such abatement.

Taxes.

SEC. 25. The Council shall by ordinance provide for a system of assessment, levy and collection of municipal taxes not inconsistent with this Charter, which system shall conform as nearly as the circumstances of the case may permit to the provisions of the laws of this State in reference to the assessment, levy and collection of State and County taxes, except as to the officers by whom such duties are to be performed.

Board of equalization.

SEC. 26. The Council shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and shall sit as a board of equalization, and shall continue in session from day to day until all the returns of the Assessor have been rectified, but not later than the fourth Monday of the same month. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the Assessor, and may, of their own motion raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the City Clerk, who shall act as Clerk of the Board of Equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year. Each member of the Council shall receive \$6.00 per day during the time the Council is sitting as a Board of Equalization.

Ordinances, when approved.

SEC. 27. 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 he shall present it to the Mayor for approval, taking a receipt therefor setting forth the date of its presentation.

When rejected.

If the Mayor approves it he shall sign it; but if not, he shall indorse thereon the date of presentation to him and shall return it to the City Clerk with his objections in writing. The City Clerk shall indorse 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, in all cases where the votes of five of the whole Council are required to pass the ordinance in the first instance, it shall require the votes of

six of the whole Council to pass the ordinance over the Mayor's veto. In all other cases it shall require the votes of five of the whole Council to pass the ordinance over the veto. The vote, in all cases of reconsideration, shall be by ayes and noes, and the names of the members voting for or against shall be entered upon the journal.

SEC. 28. 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. How effective without approval.

SEC. 29. 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 Santa Monica, and until and without such publication no ordinance shall be valid or take effect. Ordinances shall be published.

SEC. 30. The Council shall also have full power to pass ordinances upon any other subject of municipal control or to carry into effect any other powers of the municipality. General powers of council.

ARTICLE V.

POWERS AND DUTIES OF OFFICERS.

Mayor.

SECTION 1. The Mayor is the executive officer of the corporation, and must exercise a careful supervision over all its affairs. Mayor.

It shall be the duty of the Mayor, annually, at the first meeting of the Council under this Charter, and on the first meeting in January of each year thereafter, to communicate by message to the Council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper; and to make such special communication to the Council from time to time as he shall deem expedient. Duties of.

It shall be his further 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 its officers and employés; to receive and examine into all complaints made against them for violation or neglect of duty, and to certify the same to the Council, or proper board.

And 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.

City Clerk.

SEC. 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
city clerk.

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 officials 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 businesslike 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, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipts of the City Treasurer for money paid into the City Treasury, charge the City Treasurer with the amount received by him, and after countersigning both receipts he shall file one with the city records and shall return the other to the person making said payment.

It shall be his duty to apportion among the several funds all public money at any time in the City Treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation. He shall deliver to the proper officer all licenses.

He shall report to the Council at the regular meeting of each week the condition of each fund in the City Treasury and the amount drawn from each fund the preceding week.

He shall make and present a report to the Council at its meeting in the second week in December of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of November.

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 August 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, 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, ex-officio

Clerk of the Board of Equalization, and ex-officio Clerk to the Superintendent of Streets.

He shall perform such other duties as shall be required of him by this Charter or by ordinance.

City Treasurer.

SEC. 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 the certificate of the City Clerk provided for in Section 2 hereof.

He shall issue receipts in duplicate to all persons paying money into the Treasury.

Both of which receipts shall be forthwith deposited with the City Clerk.

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, City Clerk, 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. It shall be in the power of the Council by ordinance, at any time to require the City Treasurer to devote his entire time to the duties of his office.

SEC. 4. It shall be the duty of the City Treasurer in addition to the duties which may be elsewhere prescribed for him in this Charter or by ordinance, to collect all taxes and licenses of the city, excepting those hereinafter provided to be collected by the City Assessor.

Ex-officio
tax
collector.

He shall keep proper books, showing all moneys collected by him as Tax and License Collector.

He shall also keep 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 subject to public inspection.

Assessor.

SEC. 5. It shall be the duty of the Assessor, between the first Monday of March and the first day of August in each

Assessor,
duties of.

year, to make out a true list of all the taxable property within the city. The mode of making out said list, and proceedings relating thereto, shall be in conformity with laws in force regulating County Assessors, except as the same may be otherwise provided in this Charter, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by County Assessors. Said Assessor shall verify said list by his oath, and shall deposit the same with the City Clerk, on or before the first Monday in August in each year. Said Assessor and his deputy shall have the power to administer all oaths and affirmations necessary in the performance of his duties.

Boards.

Board of Education,
Board of Trustees of the Santa Monica Public Library,
Board of Health,
Board of Police Commissioners,
Board of Fire Commissioners,
Board of Park Commissioners.

Duties of.

SEC. 6. The powers and duties of the boards enumerated in the heading of this section shall be those herein elsewhere set forth, and granted or imposed by ordinance.

City Engineer.

City
engineer,
duties of.

SEC. 7. In addition to other duties imposed upon him by this Charter or by ordinance of the Council, the City Engineer shall:

- (1) Make all surveys, inspections and estimates required by the Council.
- (2) He shall examine all public works done under contract, and report thereon to the City Council.
- (3) He shall be the custodian of and responsible for all maps, plats, 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 good order and condition, with full index thereof, and shall turn over the same to his successor.
- (4) 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.

The City Attorney.

City
attorney,
duties of.

SEC. 8. It shall be the duty of the City Attorney to prosecute on behalf of the people all criminal cases arising upon violations of the provisions of this Charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested; *provided*, the Council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the City Attorney therein.

He shall give his advice or opinion in writing, whenever required by the Mayor or Council, and shall do and perform all such things touching his office as by the Council may be required of him.

He shall approve, by indorsement in writing, the form of all official or other bonds required by this Charter, or by ordinance of the Council, before the same are submitted to the Council or Mayor for final approval, and no such bonds shall be approved by the Mayor or Council without such approval by the City Attorney.

He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the city.

He shall give his advice or opinion in writing whenever required by the Board of Education, Board of Library Trustees or any commission or officer of said city.

Street Superintendent.

SEC. 9. The Street Superintendent shall have the general care of, and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition and shall have charge of the enforcement of all ordinances pertaining to street obstructions.

Street superintendent, duties of.

He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction, inspect and approve or reject all material used in such construction, whether done by contract or otherwise; and shall at once report to the Council all deviations from contracts and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon.

He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

Superintendent of Building.

SEC. 10. The Superintendent of Building shall have such powers and perform such duties as are herein or may by ordinance be imposed upon him.

Superintendent of building.

Chief of Police.

SEC. 11. The Chief of Police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the Board of Police Commissioners, and all orders of the board relating to the direction of the police force shall be given through the Chief of Police, or in his absence, the officer in charge of the police force.

Chief of police, duties of.

SEC. 12. The Chief of Police shall be the principal police officer of the corporation, and may, with the approval of the Board of Police Commissioners, select and appoint one or more deputies from the police force, for whose official acts he shall be responsible.

Deputies.

He shall, by himself or by deputy, execute and return all writs and processes issued by the police judges or courts. He, or one of his deputies, shall attend on the sittings of the Police 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.

Breaches
of the
peace.

SEC. 13. 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, any person fleeing from justice from any part of the State, and shall forthwith bring all persons by him arrested before a police judge 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,
as a sheriff.

SEC. 14. He shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities as a sheriff in similar cases, and shall perform such other duties and have such other powers as may be imposed on or granted to him by this Charter or ordinance.

Health Officer.

Health
officer.

SEC. 15. The Health Officer shall have such powers and perform such duties as are herein or may by ordinance be granted or be imposed upon him.

Reports of Officers.

Officers
to report to
council.

SEC. 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 its meeting in the second week in December of each year, a report for the preceding year ending the 30th day of November.

SEC. 17. It shall be the duty of any officer having in his possession any public money to pay the same into the treasury on Tuesday of each week.

Public
money to
be counted.

SEC. 18. It shall be the duty of the Mayor, the Clerk, and City Attorney to count all public moneys at least once a month and report their findings to the City Council.

Annual Estimates.

Estimates
of expense.

SEC. 19. Every officer or board of the city shall make out and file with the City Clerk, on or before the 15th day of July in each year an estimate of the expenses of his or its office or department for the year commencing on the 1st day of July preceding said report.

Administration of Oaths and Affirmations.

SEC. 20. The Mayor, City Treasurer, and each member of the Council, and of each board and commission provided for in this Charter, 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.

Who may administer oaths.

The City Council and each board and commission 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 each Council, board or commission, as the case may be, by subpoena, to be issued in the name of said City of Santa Monica, and to be attested by the City Clerk of said city. The City Clerk shall, upon the demand of the President of the City Council, or the presiding officer of any such board or commission, issue such subpoenas 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 City Council or the respective board or commission requiring the issuance of said subpoenas at a time and place to be in said subpoenas specified.

Examination of witnesses.

Subpoenas.

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 before the Council or board or commission in such subpoenas designated.

The City Council shall from time to time, adopt ordinances providing suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify before such Council, board or commission when required so to do.

ARTICLE VI.

OFFICIAL BONDS.

SECTION 1. The City Council shall by ordinance, fix the amount of the official bonds of all such officers of said City of Santa Monica as are by ordinance required to give bonds.

Official bonds.

ARTICLE VII.

SALARIES OF OFFICERS.

SECTION 1. Each member of the Council shall receive the sum of five dollars (\$5.00) for each and every meeting attended by him, not to exceed one meeting a week.

Salaries of council.

The Mayor and all other officers of the city shall receive such salaries as may be fixed by this Charter or by ordinance.

Of mayor.

ARTICLE VIII.

BOARD OF EDUCATION.

Board of education. SECTION 1. The government of the School Department of the city shall be vested in a Board of Education, to consist of five members, to be elected as herein provided, to be called Members of the Board of Education, who shall serve without salary.

President of board. SEC. 2. The Board of Education shall elect one of its number President, and shall hold regular meetings at least once in each month, and special meetings at such times as shall be determined by rule of said board.

Quorum. A majority of all the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The board may determine the rules of its proceedings; the ayes and noes shall be taken and recorded on all questions of elections, appointments, or the expenditure of money, and in all other cases upon the call of any member. Its sessions shall be public, and its records shall be open to public inspection. The board shall fill all vacancies occurring in that body until the next general municipal election.

Vacancies. Secretary. It shall elect a Secretary to serve during its pleasure, who shall not be a member of the board nor employed by it in any other capacity, and by resolution shall fix his salary.

Duties of secretary. The duties of the Secretary shall be to call meetings of the Board of Education at the request of two members, and to keep a record of its proceedings; to keep account of receipts and expenditures of school money; to provide, under the direction of the Board of Education, all school supplies, authorized by law; to keep the school buildings in repair and to have care and supervision over the school premises and property during vacations; and to perform such other duties as may be prescribed by the Board of Education.

Powers of board. SEC. 3. The Board of Education shall have power:

Establish schools. (1) To establish and maintain public schools, including high schools, to change, consolidate and discontinue the same.

Employ teachers. (2) To appoint or employ and dismiss a City School Superintendent, such teachers, janitors, school census marshals, mechanics, laborers and other employés as may be necessary to carry into effect the powers and duties of the board; to fix and allow their salaries or wages; *provided*, that no election of a teacher, or other person employed by the board shall be construed as a contract, as to the duration of time.

Make 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; *provided* that corporal punishment shall not be inflicted upon any pupil in the public schools of said city except in the presence of or with the written consent of the parent or guardian of the pupil; 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.

(4) To provide for the School Department fuel and lights, water, blanks, blank books, printing and stationery; and to incur such other incidental expenses as may be deemed necessary by said board. Provide fuel.

(5) To build, alter, repair, lease and provide school houses, and to furnish them with proper school furniture, apparatus and appliances, and to insure against fire any and all such school property. Build school houses.

(6) To take and hold in fee, or otherwise, in trust for the city, any and all real estate, and personal property that may have been acquired, or may be hereafter acquired, for the use and benefit of the public schools of the city; and to sell or exchange and to lease any of such property; *provided* that the proceeds of any such sale or exchange shall be exclusively applied to the purchase of other lots, or the erection of school houses. Hold real property.

(7) To grade, fence and improve all school lots, and in front thereof to grade, sewer or pave and repair the street, and to construct and repair sidewalks. Improve grounds.

(8) To sue for any and all property belonging to or claimed by the said Board of Education, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the City Attorney, free of charge, in all such cases. Prosecute and defend actions at law.

(9) To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and, in pursuance of this provision, the board shall on or before the 15th day of July of each year, submit, in writing, to the City Council a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city, for the above purpose, and the City Council shall, in each year, fix the percentage of taxes to be levied and collected for school purposes, *provided* that the amount to be thus levied for school purposes shall not exceed twenty cents on each one hundred dollars' valuation upon the assessment roll, and that when collected it shall be paid into the school fund. Determine annual tax.

(10) To establish regulations for the just and equitable disbursement of all moneys belonging to the school fund. Disbursement of moneys.

(11) To examine and approve, in whole or in part, in the manner provided in Article XIII., every demand payable out of the school fund, or to reject any such demand for good cause. Examine demands.

(12) To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property. Discharge liens.

(13) To prohibit any child under six years of age from attending the public schools.

Kindergarten schools.

(14) In its discretion to establish kindergarten schools for the instruction of children between the ages of five and six years, and industrial and manual training schools or departments.

Receive bequests.

(15) To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose, or school property.

General duties.

(16) And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools of said city.

Contracts for building.

SEC. 4. All contracts for building shall be given to lowest bidder thereon, offering adequate security, to be determined by the board after due public notice, published for not less than ten days in the official newspaper of the city. It shall be the duty of the board to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, merchandise, repairing and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred on account of such matter may exceed three hundred dollars, shall be done or furnished by contract let to the lowest bidder after like public advertisement; *provided*, that the Board of Education may reject any and all bids under this section.

Supplies.

Board must not be interested in contracts.

SEC. 5. Any member of the Board of Education, officer or other person officially connected with the School Department, or drawing a salary from the Board of Education, who, while connected or drawing such salary, upon investigation by the Board of Education, shall be found to be interested, either directly or indirectly, in, or to have gained any advantage or benefit from any contract, payment under which have been or are to be made, in whole or in part, from moneys derived from the school fund, or raised by taxation or otherwise for the support of the public schools, shall forfeit his office, and the Board of Education shall thereupon declare such office vacant.

Schedule of salaries.

SEC. 6. The Board of Education shall, before the 30th day of June of each year, fix a schedule of salaries for teachers and employes of the School Department, to take effect on the 1st day of July following, and to remain in force during one year.

School Superintendent.

Superintendent may suspend teachers.

SEC. 7. The Superintendent, with the 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 Superintendent to report to the Board of Education annually, and at such other times as it may require, all matters pertaining to the 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

Duties of superintendent.

at least once a week; 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, 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.

School Fund. .

SEC. 8. The school fund shall consist of all moneys received from the State School Fund and County School Fund, and of all moneys arising from taxes which shall be levied annually by the City Council of the city for school purposes; of all moneys arising from the sale, rent or exchange of any of the school property, and of such other moneys as may, from any source whatever, be paid into any school fund. The school fund shall to the school fund for the next fiscal year, and shall not be, used for school purposes only under the provisions of this charter. If, at the end of any fiscal year, any surplus remains in the school fund, such surplus money shall be carried forward to the school fund for the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this charter.

SEC. 9. The said school fund shall be used and applied by said Board of Education for the following purposes, to wit:

(1) For the payment of the salaries or wages of the Superintendent, teachers, janitors, school census marshals, and other persons who may be employed by said board.

(2) For the erection, alteration, repairs, rent and furnishing of school houses.

(3) For the purchase or rent of any real or personal property purchased or leased by said board.

(4) For the insurance of all school property.

(5) For the discharge of all legal incumbrances on any school property.

(6) For lighting the school rooms and the offices and rooms of the Superintendent and Board of Education.

(7) For supplying the schools with fuel, water, apparatus, blanks, blank books and necessary appliances, together with books for indigent children.

(8) For supplying books, printing and stationery for the use of the Superintendent and Board of Education, and for the incidental expenses of the department.

(9) For grading and improving all school lots, and for grading, sewerage, planking, or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

Demands,
how paid.

SEC. 10. All demands authorized by this article shall be paid by the City Treasurer from the school fund; *provided*, that the said board shall not have power to contract any debts or liabilities, in any form whatsoever, against the said city, in contravention of this article, or exceeding in any year the income and revenue provided for the school fund for such year but this provision shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of school bonds of the district issued in accordance with the general laws of the State for the purpose of defraying the cost of such permanent improvements.

Duties of
county
auditor.

SEC. 11. It shall be the duty of the Auditor of the County of Los Angeles, upon the first Monday in each month, and at such other times as he may deem proper, to certify in duplicate to the Superintendent of Schools of such county the amount of school moneys at that time in the county treasury, and the amount received during the previous month. The County Superintendent shall, upon the receipt of such certificates, indorse upon one of them the amount of such moneys to which the public schools of the city are entitled. The certificate so indorsed shall be at once returned to said Auditor, who shall direct upon the same the County Treasurer to pay the sum designated upon such certificate to the Treasurer of the city for the use of the school fund thereof.

Apportion-
ment
of school
funds.

Duties
of county
treasurer.

SEC. 12. The Treasurer of said county shall thereupon pay to the Treasurer of said city the sum directed by the Auditor as above provided; and when said moneys are placed in the city school fund they shall be used in precisely the same manner as moneys raised by the city school taxes in the city; *provided* that the entire revenue derived by the city from the State school fund and the State school tax fund shall be applied by said Board of Education exclusively to the support of primary and grammar schools.

ARTICLE IX.

LIBRARY DEPARTMENT.

Public
library.

SECTION 1. The public library and reading room, known as the "Santa Monica Public Library," is hereby continued in existence, and shall be free of access to all citizens of said city and the general public, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the Board of Trustees of said library, hereinafter provided.

Library
tax.

SEC. 2. There shall be levied and collected annually, on all the taxable property in the city, as in other cases a tax sufficient to maintain such library, not less than \$3,000 per year, and for purchasing or leasing such real and 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 in-

debtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Santa Monica, in accordance with the provisions of this Charter and of the general laws of the State, for the purpose of defraying the cost of such improvements.

Trustees.

SEC. 3. The Mayor shall, after his qualification under this Charter, appoint, subject to confirmation by the Council, a board of five Trustees of said library, who shall serve without compensation and be known as "The Board of Trustees of the Santa Monica Public Library." They shall be chosen from the citizens at large without regard to political opinions, but with reference to their fitness for said office, and no member of said board shall hold office in said city in any other capacity.

Board
of library
trustees.

SEC. 4. Said Trustees shall hold office for two years, and until their successors are appointed and qualified, and if any vacancy occurs the Mayor shall, subject to confirmation by the Council, fill the same by appointment for the unexpired term.

Tenure of
office.

SEC. 5. Said Trustees shall, immediately after their appointment, meet and organize by the election of a President from among their number and they may appoint the Librarian or any employé of the Library Department to act as Clerk of the board. Such Clerk shall keep a record of and full minutes in writing of all their proceedings, and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose, and shall serve without extra compensation.

Organiza-
tion
of board.

Powers of the Board.

SEC. 6. Such board, by a majority of all the members, to be recorded in the minutes with the ayes and noes at length, shall have power to make and enforce all such by-laws, rules and regulations as may be necessary or expedient for its own guidance, and for the administration, government and protection of such library, reading-room and property; to determine the number of officers and assistants to be appointed for such library and reading-room, and to determine and define their duties; to fix the salaries and wages of all such employés; to appoint a Librarian and necessary assistants, and such other employés as may be necessary, and, for good cause, to remove them; to control and order the expenditure of all moneys at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the City Treasurer, contained in Article XIII, to purchase or lease all necessary real property whereon to construct and thereon to construct a library building or buildings, or to lease appropriate rooms, or a building or buildings, for such library, and to have the general supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose,

Powers
of board.

Library
fund.

and generally do all that may be necessary to carry out the spirit and intent of this Charter in establishing a public library and reading-room; *provided* that all moneys received for such library shall be deposited in the treasury of the city, to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund upon demands authenticated by the signatures of the President and Clerk of the board. All libraries and reading-rooms hereto established by said city, and all property, real and personal, thereto belonging, shall be turned over to the charge, custody and administration of the Board of Trustees, with like powers and liabilities as if such library had been established under this Charter.

Who May Use the Library.

Library
to be free.

SEC. 7. The library and reading-room shall be forever free to the use of the inhabitants of the city, and persons sojourning therein, always subject to such reasonable rules and regulations as the Board of Trustees may adopt, and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules, and said board may extend the privileges and use of such library and reading-room to persons residing outside the city upon such terms and conditions as said board may, from time to time, by its regulations prescribe.

Donations and Conveyances.

Donations.

SEC. 8. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "The Board of Trustees of the Santa Monica Public Library," hereby created, to be owned, held and controlled by such board when accepted, according to the terms of the deed, gift devise or bequest of such property; and, as to such property, the board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said board in its name as such special trustee; and the City of Santa Monica may, in its discretion, by ordinance, set apart and order to be conveyed by said board, as special trustee, any part of the real property of the city not otherwise appropriated.

Annual
reports.

SEC. 9. The Board of Trustees shall make the annual report and estimate hereinafter provided.

Ordi-
nances to
protect
property.

SEC. 10. The City Council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or property thereof, and for injury to or failure to return any book belonging to such library.

Police Department.

Board of
police
commis-
sioners.

SEC. 11. The Mayor, who shall be ex-officio a member and President of the Board, and two citizens, to be appointed by the Mayor, subject to confirmation by a majority of the Coun-

cil, shall constitute the Board of Police Commissioners of the city. The appointive members of the board shall serve without compensation, and shall be of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

SEC. 12. The Police Commissioners shall meet at least once a week. Meetings.

SEC. 13. The Police Department shall consist of the Chief of Police and as many subordinate officers and such policemen and detective officers and employés as the Council shall, by ordinance determine. All appointments and removal in the Police Department shall be made by the Board of Police Commissioners. Of whom department shall consist.

SEC. 14. The salaries of members and employés of the Police Department shall be fixed by the Council by ordinance. Salaries.

SEC. 15. The Police Commissioners shall prescribe the rules and regulations for the government of the police force, and fix and enforce the penalties for their violation. Rules.

SEC. 16. The Board of Police Commissioners, the Chief of Police, and other officers and employés shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance. Powers.

Fire Department.

SEC. 17. The Mayor, who shall be ex-officio a member and President of the Board, and two citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Fire Commissioners of the city. The appointive members of the board shall serve without compensation, and shall be of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified. Board of fire commissioners.

SEC. 18. The Fire Commissioners shall meet at least once a month. Meetings.

SEC. 19. The Fire Department shall consist of a Chief and Assistant Chief, and such other officers and employés as the Council may, by ordinance, from time to time, determine to be necessary. Of whom department shall consist.

SEC. 20. The salaries of all officers and employés of the Fire Department, shall be fixed by the Council, by ordinance. Salaries.

SEC. 21. The Board of Fire Commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation. Rules.

SEC. 22. The Board of Fire Commissioners and the Chief Engineer, and other officers and employés, shall have such other powers and perform such other duties as may be granted or imposed by ordinance. Powers.

Park Department.

SEC. 23. All lands and real property located in the City of Santa Monica which have been heretofore, or which may be hereafter, set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public. Public parks.

Board of
park
commis-
sioners.

SEC. 24. The Mayor, who shall be ex-officio member and President of the Board, and two citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Park Commissioners of the city. The appointive members of the board shall serve without compensation, and shall be members of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

Meetings.

SEC. 25. The Park Commissioners shall meet at least once a month.

Of whom
depart-
ment shall
consist.

SEC. 26. The Park Department shall consist of as many officers and employés as the Council may, by ordinance, from time to time determine to be necessary. All appointments and removal in the department shall be made by the Board of Park Commissioners.

Salaries.

SEC. 27. The salary of all officers and employés of the Park Department shall be fixed by ordinance.

Rules.

SEC. 28. The Board of Park Commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Powers.

SEC. 29. The Board of Park Commissioners shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

Board of Health.

Board of
health.

SEC. 30. There is hereby established in and for the City of Santa Monica a department to be known as the Board of Health, to consist of three members, viz:

The Mayor, who shall be ex-officio a member and President of the Board, and two citizens, to be appointed without regard to their political opinions, by the Mayor, subject to confirmation by a majority of the Council.

Both of said citizens shall be physicians in good standing and graduates of some reputable medical college.

Tenure of
office.

SEC. 31. The appointed members of the board shall hold office for two years, and until their successors are elected and qualified, and shall serve without compensation. All vacancies shall be filled for the unexpired term only. Any appointed member failing to qualify within ten days after his appointment shall be deemed to have declined the office, and a new appointment shall be made. Two members shall constitute a quorum for the transaction of business.

Health Office.

Meetings.

SEC. 32. The Board of Health shall be provided by the City Council with a suitable office, in which it shall hold its official meeting once a month, or when requested by two members of the board.

Powers.

SEC. 33. The Board of Health shall have such general supervision as may be provided by ordinance of all matters appertaining to the sanitary condition of the city, including jails, hospitals and all public health institutions.

Health Officer.

SEC. 34. The Board shall appoint and, for good cause, may remove a Health Officer, whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college, and shall have practiced medicine for at least five years, and shall have been a citizen and resident for two years in this city, and have his license to practice medicine recorded with the County Clerk of Los Angeles County, in accordance with the laws of the State of California regulating the practice of medicine. He must reside within the city limits. The Board shall appoint all assistants to said Health Officer, and all employés in the Health Department, the number of such assistants and employés and their compensation to be fixed from time to time by ordinance.

Health officer, qualifications.

SEC. 35. The Health Officer shall be the executive officer of the board, and he shall see that all ordinances in respect to the public health and the rules and regulations of the Board of Health are enforced; and shall receive all complaints of the violations of such ordinances rules and regulations, and investigate the same and act thereon. He shall make to the board an annual report of the affairs of his office, including mortuary and other statistics, with such general observations as in his judgment might benefit the sanitary condition of the city. He shall in person visit once in each quarter all the public institutions in the city under the charge of the Health Department, and twice in each year he shall visit every public school in said city; during such visits he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. At the meetings of the board in the months of January, April, July and October, he shall report to the board the result of his examinations.

Executive officer of board of health.

Quarantine.

SEC. 36. Whenever it shall be certified to the Board of Health by the Health Officer that any building or part thereof is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among its occupants, said board may issue an order, and cause the same to be affixed conspicuously on the building or in front thereof and to be personally served upon the owner, agent or lessee, if the same can be found, requiring all persons therein to vacate such building for the reasons aforesaid, to be stated therein. Such building, or part thereof, shall within ten days thereafter be vacated or within such shorter time, not less than twenty-four hours, as in said notice may be specified, but said board, if it should become satisfied that the danger from the building or parts thereof has ceased to exist, may revoke said order, and it shall thenceforth become inoperative.

Quarantine.

SEC. 37. Every physician in the city shall report to the Health Officer in writing every patient he shall have sick of

Duty of physicians.

typhus, ship or yellow fever, Asiatic cholera, leprosy, smallpox, diphtheria or scarlet fever, and every death from such disease immediately after it shall have occurred. Also every householder in said city shall forthwith report in writing, or otherwise, to the Health Officer the name of every inmate of his or her house whom he or she have reason to believe is sick of typhus, ship or yellow fever, leprosy, cholera or smallpox, or other contagious or infectious diseases, and any deaths occurring at his or her house from such disease.

Duty
of house-
holders.

Infectious Diseases.

Infectious
diseases.

SEC. 38. The Health Officer shall report to the Superintendent of the Public Schools the names and residences of every person sick of typhus, ship or yellow fever, Asiatic cholera, smallpox, leprosy, diphtheria, scarlet fever or other contagious or infectious diseases, he may deem dangerous to the public health; and it shall be the duty of the Superintendent of Public Schools when so notified of the residence of any person sick of any of the diseases enumerated to refuse admittance to the public schools of any member of a family, one or more of whose inmates are sick of any of the aforesaid diseases; *provided* that the parties excluded shall be readmitted upon presenting a certificate from the Health Officer that there is no longer any danger from contagion.

Removal
of persons
suffering
from
infectious
diseases.

SEC. 39. No person shall drive or use any vehicle, or suffer or permit any vehicle under his or her charge or control, to be driven or used for the conveyance, transportation or removal of any person infected with the smallpox, or the body of any person who has died of smallpox, without the written consent of the Health Officer; also no person shall use or drive, or suffer or permit any vehicle authorized by the written consent of the Health Officer, to convey, transport or remove persons infected with the smallpox, or the bodies of persons who may die of the smallpox, to be used or driven for the conveyance, transportation or removal of persons uninfected with smallpox, without the written consent of the Health Officer.

Quaran-
tined
houses
to be
placarded.

SEC. 40. Whenever a case of smallpox, Asiatic cholera or yellow fever is reported to the Health Officer, he shall immediately visit the premises where the person is, and the said Health Officer, upon personal inspection, shall, in cases of smallpox, Asiatic cholera or yellow fever, immediately cause to be erected a yellow, or quarantine flag in a conspicuous place on said premises, or put upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

Salaries of
physicians
and
nurses.

SEC. 41. The Board of Health may appoint and remove at pleasure a physician and nurses for the hospital or hospitals of the city when, in their judgment, it may be necessary. The salary of said officers shall be provided for in the same manner as for other officers of the board.

Smallpox Hospital.

SEC. 42. The City Council may, by ordinance, establish and provide for the government of a smallpox hospital. Smallpox hospital.

ARTICLE X.

BOARD OF WATER COMMISSIONERS.

SECTION 1. At such time as this city may become the owner of a water system, the City Council shall by ordinance provide for the appointment of a Board of Water Commissioners defining their duties, and for the appointment of such employes as may be necessary. Board of water commissioners.

ARTICLE XI.

ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of two kinds. City elections

(1) General Municipal Elections.

(2) Special Elections.

SEC. 2. General Municipal Elections shall be held in said city on the first Monday in April, 1907, and on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected: General municipal elections.

A Mayor,

A City Clerk,

A City Treasurer, who shall be ex-officio Tax Collector,

A City Assessor, and

Five Members of the Board of Education,

And by the electors of each ward,

One Member of the City Council.

SEC. 3. The first 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 third Monday in April of the year of their election. All officers elected thereafter shall enter upon the discharge of their duties on the first Monday in January of the year succeeding their election, and shall serve for two years, and until their successors shall have been elected and qualified. Term of office.

SEC. 4. The Council shall have power to submit to the electors of said city at any election any question required to be so submitted by the Constitution, the law, this Charter, or by ordinance; *provided*, that in case such question is required by said Constitution, law, Charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise. Questions to be submitted to electors.

SEC. 5. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this Charter, with the powers and duties vested in and imposed upon them by the Charter and the ordinances of the city under which they were elected. Present officers to hold until election of successors.

Eligibility to Office.

Eligibility to office. SEC. 6. No person shall be eligible to, or hold any office in said city, whether filled by election or appointment, unless said person be a resident and, if a male citizen, an elector therein, and shall have resided in said city for the following times:

Mayor. Mayor—Three years.

Council. Members of the Council two years within the city and the last one year prior to his election within the ward from which he is elected.

Other officers. All other elective officers two years.

All officers appointed by the Mayor and confirmed by the Council—One year.

City attorney. SEC. 7. In addition to the above qualifications the Attorney must have been admitted to practice in all the courts of this State, and also in all Federal Courts within the Southern District of California.

Vacancies.

Vacancies. SEC. 8. A vacancy exists in an office within said city when an officer dies, resigns, or ceases to be a resident of the city, or if he be a Councilman ceases to reside in the ward for which he was elected.

How filled. SEC. 9. A vacancy in an elective office shall be filled by the Council.

ARTICLE XII.

CONTRACTS.

Contracts for public works. SECTION 1. In the erection, improvement, and repair of all public buildings and works, and in all street and sewer work, where payment for the same is to be paid out of the street or general fund, and in all work in or about streams, bays or water fronts, or in or about embankments, or other work for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of three hundred (\$300.00) dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation printed and published in such city, for at least ten days. Such notice shall distinctly and specifically state the work contemplated to be done; *provided* that the Council may reject all bids presented, and re-advertise, in their discretion. The Council shall annually, at a stated time contract for doing all city printing and advertising, which contract shall be let to a daily newspaper of general circulation, published wholly within said city, submitting the lowest bid, after notice, as provided in this section.

City printing and advertising.

Contracts to be in writing.

SEC. 2. The City of Santa Monica shall not be and is not bound by any contract, or in any way liable thereon, unless the same is made in writing by order of the Council, the draft thereof approved by the Council, and the same ordered to be, and be, signed by the Mayor, or some other person authorized thereto, in behalf of the city; *provided* that the approval of

contracts by the City Attorney, as required by the provisions of Article V of this Charter, shall be endorsed on the draft thereof before the Council shall have power to approve the same; but the Council, by an ordinance, may authorize any officer, committee or agent of the city to bind the city without a contract in writing for the payment of any sum of money not exceeding three hundred dollars.

Approved
by city
attorney.

Exception.

ARTICLE XIII.

CLAIMS AND DEMANDS.

SECTION 1. All claims and demands whatever against the City of Santa Monica except interest coupons on bonds and bonds of the funded debt, shall be paid only on demands as herein provided for.

Claims and
demands.

SEC. 2. Said demands, except demands payable out of the school fund, the library fund, or water revenue fund, shall be presented to the Council on forms and blanks to be provided by the City Clerk, and shall be referred to its Committee on Finance. The said committee shall, by endorsement thereon, approve or reject the same in whole or in part. The Council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be endorsed thereon, with the date of such action, and certified by the signatures of the President and City Clerk; *provided*, that it shall require the votes of a majority of the members of the whole Council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

Form of
demands.

Approval
or
rejection.

SEC. 3. All demands payable out of the school fund must, before they can be approved by the City Clerk, or paid, be previously approved by the Board of Education, by a vote of the majority of the members thereof taken with the ayes and noes spread upon the minutes, and the action of said board endorsed on said demand and signed by the presiding officer and the Secretary thereof. After the approval of said demands they shall be delivered to the City Clerk, who shall have the same powers and perform the same duties in reference to demands payable out of the school fund as is provided for other demands.

Demands
on school
fund.

SEC. 4. All demands payable out of the library fund must, before they can be approved by the City Clerk, or paid, be previously approved by the Board of Trustees of the Santa Monica Public Library, by a vote of three members thereof, taken with the ayes and noes and spread on the minutes, and the action of said board endorsed on said demand and signed by the presiding officer and the Secretary thereof. After the approval of said demands they shall be delivered to the City Clerk, who shall have the same power and perform the same duties in reference to demands payable out of the library fund as are provided for other demands.

Demands
on library
fund.

Must be specific.

SEC. 5. No demand can be approved by any board or officer, audited or paid, unless it specify each several items, with the date and amount thereof.

Must be authorized by law.

SEC. 6. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this Charter, nor unless the demand which is paid be duly audited as in this Charter provided. The term "audited," as used in this Charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer and board of officers, as required by this charter, and this must appear upon the face of the paper representing the demand, or else it is not audited; *provided that the approval or rejection in whole or part of a demand by the Committee on Finance of the Council is advisory only to the Council, and the rejection by said committee of a demand in whole or in part does not of itself prevent it being duly audited.*

Payments to be withheld, when.

SEC. 7. No demand upon the treasury shall be allowed by the City Clerk 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 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 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 Legislature regulating the duties of such officer, on being required in writing to comply therewith by the Mayor or President of the Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from his duties of his office during the office hours prescribed by this Charter or by ordinance, and the City Clerk may examine any officer receiving a salary from the treasury on oath touching such absence.

City clerk to keep record of demands.

SEC. 8. The City Clerk must number and keep a record of all demands on the treasury, showing the number, date, amount and name of the original and present holder, on what account allowed, out of what fund payable, and by what officers or board it has been previously approved; and it shall be a misdemeanor in office for the City Clerk to deliver any demand until this requisite has been complied with.

Unpaid lawful demands to be registered.

SEC. 9. Every lawful demand upon the treasury, duly audited, 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 demand, 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 the original holder, and on what account allowed, and out of what fund payable, and total deficiency in said fund; 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 demands shall be payable in the order of their registration.

SEC. 10. Nothing in this article contained shall be construed as interfering with or preventing the payment by the City Treasurer of bonds of the funded debt of the City of Santa Monica, and the interest coupons thereof, in accordance with the Constitution, laws and ordinances authorizing the issuance of said bonds.

Payment
of funded
debt.

SEC. 11. All public moneys collected by any officer or employé of the city shall be paid into the City Treasury, without any deduction on account of any claim for fees, commissions or other cause or pretense; and the compensation of any officer, employé or other person so collecting money, shall be paid by demands on the treasury duly audited as other demands are audited, and paid.

Public
moneys
to be paid
to treas-
urer.

SEC. 12. No suit shall be brought on any claim for money or damages against the City of Santa Monica, its Board of Education, Board of Trustees of the Santa Monica Public Library, or the Board of Water Commissioners, 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. Nor shall suit be brought against said city, or said Board of Education, Board of Trustees of the Santa Monica Public Library, or Board of Water Commissioners, 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 a writ of mandamus or other proceeding against the City Council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or pay the same when so audited.

Suits
against
city for
money or
damages.

ARTICLE XIV.

POLICE COURT.

SECTION 1. The judicial power of the city shall be vested in a Police Court presided over by a Police Judge.

Police
court.

SEC. 2. The Police Judge shall have the powers of examining magistrates and may commit offenders for trial in the proper court.

Police
judge.

SEC. 3. The Police Court shall have exclusive jurisdiction of the criminal proceedings for a violation of any city ordinance, and all civil actions and proceedings arising out of the violation of such ordinances and for the collection of any license required by any ordinance, except such actions and proceedings as are within the jurisdiction of other courts under the provisions of the constitution of this state.

Jurisdic-
tion.

Public offenses committed in the city.

SEC. 4. The Police Court shall also have exclusive jurisdiction of the following public offenses committed within the city, (except when prosecuted by indictment or information:)

1. Petty larceny;
2. Assault and battery;
3. Breaches of the peace, riot, committing willful injury to property and all misdemeanors punishable by fine or imprisonment in the county jail or by both.
4. Proceedings respecting vagrants, lewd or disorderly persons.

Concurrent jurisdiction.

SEC. 5. The Police Court shall have concurrent jurisdiction with the justice's court of the township, in all civil cases arising within said city, which might be tried by the justice's court of Santa Monica township.

Clerk of court.

SEC. 6. The Clerk of said court shall remain at his office during business hours and for such reasonable time thereafter as may be necessary for the discharge of his duties.

Fines and penalties.

SEC. 7. All fines, penalties and forfeitures collected by said Police Court shall be the property of the city and shall be immediately deposited with the City Treasurer for the use of said city.

Dockets.

SEC. 8. The city shall furnish the necessary dockets and all blanks and other books and papers and stationery necessary in the transaction of the business of the said Police Court. A complete record of all cases shall be entered in the docket, of said court. Separate dockets shall be kept for the civil and criminal business.

Seal.

SEC. 9. The said court shall have a seal, which shall be furnished by the city.

When shall be open.

SEC. 10. The Police Court shall always be open for the transaction of business, except on Sundays and other legal holidays.

ARTICLE XV.

THE INITIATIVE.

The initiative.

SECTION 1. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petitions herein provided for. Upon presentation to the City Council of a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the City Council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 30 per cent. of said registration, then such measure, if not so enacted by the City Council must be submitted to the electorate

Measures to be submitted to electorate.

at a special election to be called within sixty days from the filing of such petition or petitions.

The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office the City Clerk shall examine and from the great register, and certificates of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the City Council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called to question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If by the Clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the persons filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the Clerk shall submit the same to the City Council without delay. Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section more than one special election in any period of six months.

Method of presenting petitions.

Duty of city clerk.

Amended petition.

Whenever any measure is required or authorized by this Charter to be submitted to the electors of the city, at any election, the City Clerk shall cause the measure to be printed, and he shall inclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election, but the City Council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the City Council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure, as at first above provided. Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessment, shall not come within the operation of this section.

Copy of measure to be mailed to electors.

THE REFERENDUM.

SEC. 2. Any measure that the City Council or the electorate of the city, as herein provided, has authority to adopt, the

The referendum.

City Council may of its own motion submit to a vote of its constituent electors at a general or special election.

When ordinances effective.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1000,) passed by the City Council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the City Council to be necessary as emergency measures for the immediate preservation of the public peace, health and safety, passed by a three-fourths vote of the City Council and not obligating the city for a longer period of time than one year, may go into effect at the will of the City Council or as otherwise provided by law.

Emergency contracts.

Petitions.

If within said thirty days a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent. of said registration, is filed with the City Clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1000,) adopted by the City Council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city, in number equal to 30 per cent. of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted, shall be again so submitted, except by a vote of the City Council, or on a petition signed by 30 per cent. of said registration. Said petition or petitions shall be in all respects in accordance with the provisions of section one of this article except as to the percentage of signers, and be examined and certified by the Clerk in all respects as therein provided.

Council must repeal or submit measure to electors.

If the majority of votes cast on any ordinance or measure referred as provided in sections one or two of this article to the electors of the city, shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined.

Not subject to veto.

No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, nor, within two years from the date of its adoption, be amended or

repealed except by a vote of the electorate or by legislative authority superior to that of the City Council. Any amendment or repeal of such ordinance by the City Council shall be subject to the referendum provided in this section.

If the provisions of two or more measures approved and adopted at the same election under the provisions of this Charter, conflict, then the measure receiving the highest affirmative vote shall control.

When provisions conflict.

THE RECALL.

SEC. 3. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 40 per cent. of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be addressed to the Council and filed with the City Clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the Council shall allow him extra help for that purpose and he shall attach to said result of said examinations. If, by the Clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the Clerk shall submit the same to the Council without delay and the Council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the Council that a sufficient petition is filed.

The recall.

Procedure for removal from office.

Signatures to petition.

Clerk to examine petition.

Amended petition.

The City Council shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and the results

Publication of notice for election.

thereof declared, in all respects as are all other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall, thereupon be deemed removed from his office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

Removal
election.

Failure to
qualify.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

Limit
of public
debt.

SECTION 1. The indebtedness of said city must not exceed the sum of 10 per cent. of its assessed valuation, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring or establishing a system of water-works for the supplying the inhabitants of the city with water, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers, for the collection and disposition of the sewage of the city, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers for the collection and disposition of storm waters in the city. For any or all of these purposes a further indebtedness may be incurred by the issue of bonds under the provisions and subject only to the limitations of the constitution and general laws.

Bond
issue.

Actions at
law concern-
ing assess-
ments.

SEC. 2. In any action, suit or proceedings in any court concerning an assessment of property, or levy of taxes, authorized by this act, or the collection of any such, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed, or left to the discretion of the Mayor and Council, or other authorities of said city, such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

Realty sold
for taxes.

SEC. 3. Real property when sold for, or to satisfy a delinquent assessment or tax, must be sold for United States coin, and not otherwise; and any one applying or seeking to redeem property so sold, as in this Charter provided, must pay, or offer to pay, the sum necessary therefor in such coin, and not otherwise.

Prosecu-
tions for
violations
of city or-
dinances.

SEC. 4. In all prosecutions for violation of any city ordinance, rule or other regulation of said authorities, whether in the court of original jurisdiction or in any appellate court, it

shall be unnecessary to plead the contents of the same; but the court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule or other regulation, and of the contents thereof; and, in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule or regulation may be prima facie proven by the introduction of the original entry thereof on the journal of the proceedings of the Council, a copy of such entry, certified by the City Clerk to be a full, true and correct copy of such original entry, or by the introduction of a printed copy thereof.

SEC. 5. The fiscal year of the city shall begin on the first day of January of each year and end on the thirty-first day of December following.

Fiscal year.

SEC. 6. Whenever the word "city" occurs in this Charter it means the City of Santa Monica, and whenever any department, board or officer is mentioned in this Charter it means such department, board or officer as the case may be of the City of Santa Monica.

Interpretation of terms.

SEC. 5. All acts of the legislature relating to the City of Santa Monica, and all city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this Charter takes effect until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not thereby be lost, impaired or discharged; and all actions and proceedings commenced in any court wherein the City of Santa Monica is a party, shall be continued under the law existing when said action or proceedings was commenced.

Previous laws continued in force.

SEC. 6. This charter shall take effect immediately on its approval by the legislature, as provided by law.

When charter effective.

CERTIFICATE.

WHEREAS, The City of Santa Monica, a city containing a population of more than three thousand five hundred inhabitants, did, on the seventeenth day of October, A. D. 1905, at a special election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, elect the undersigned a board of fifteen freeholders, to prepare and propose a Charter for said city:

Certificate of freeholders.

Be it known, that in the pursuance of said provision of the constitution, and within a period of ninety days after such election the said Board of Freeholders has prepared and does propose the foregoing articles, signed in duplicate, as and for the Charter of said City of Santa Monica.

Said Charter, including this certificate, shall be published twenty days in the Daily Outlook, a daily newspaper printed, published and circulated in the City of Santa Monica, and after such publication it shall be submitted to the qualified electors of said city at a special election to be held therefor at

such time as the Board of Trustees of said city may designate; and if a majority of the qualified electors of the city, voting at said election, shall ratify the same, it shall be submitted to the Legislature of the State of California for its approval or rejection.

The said Board of Trustees of said city shall provide for the holding of the first election of officers under this Charter, in accordance with the provisions of the Charter and the general election laws of the State, and shall canvass the votes and declare the result.

If the legislature approve this charter, it shall thereupon become the Charter and organic law of the City of Santa Monica, except as herein provided.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Santa Monica, in the State of California, this eleventh day of January, A. D. 1906.

C. A. STILSON, President.
 A. N. ARCHER.
 T. H. DUDLEY.
 H. X. GOETZ.
 R. R. TANNER.
 GEO. H. HUTTON.
 ROY JONES.
 ROBERT F. JONES.
 A. M. JAMISON.
 B. A. NEBEKER.
 GEO. D. SNYDER.
 WM. S. VAWTER.
 D. G. HOLT, Secretary.

Filed this 12th day of Jany., 1906.

J. C. HEMINGWAY, Clerk.

THE OFFICE OF THE PRESIDENT OF THE BOARD OF TRUSTEES OF
 THE CITY OF SANTA MONICA.

In the City of Santa Monica,
 County of Los Angeles, State of California.

Certificate
 of board of
 trustees.

I, T. H. Dudley, President of the Board of Trustees of the City of Santa Monica, County of Los Angeles, State of California, do hereby certify that the Board of Freeholders whose names appear signed to the foregoing proposed Charter were, on the seventeenth day of October, 1905, at a special municipal election held in said city on said day, duly elected by the qualified voters of said city to prepare and propose a Charter for said city; that each of said freeholders had been a qualified elector and freeholder of said city for more than five years previous to said election; that the foregoing is a true copy of said Charter prepared and returned to me as President of said Board of Trustees within ninety days after said election, as required by section eight of article eleven of the constitution of this State; that such proposed Charter was then published in one daily newspaper of general circulation in said city to

wit: The Santa Monica Daily Outlook (said city containing a population of over thirty-five hundred inhabitants and less than ten thousand inhabitants), for more than twenty days, and that the first publication of said proposed Charter was made within twenty days after the completion of said Charter; that within not less than thirty days after the publication of said Charter, as required by section eight, to wit: on the twenty-eighth day of March, 1906, said Charter was submitted to the qualified electors of said city at a special election duly held therein for the purpose of ratifying or rejecting said proposed Charter. That said proposed Charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city and that the returns of said election were duly canvassed by the Board of Trustees of said City of Santa Monica on the second day of April, 1906, and the result thereof declared as above set forth and that in all manners and things pertaining to said proposed Charter the provisions of said section have been duly complied with.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the corporate seal of said city this 4 day of January, 1907.

T. H. DUDLEY,
President of the Board of Trustees
of the City of Santa Monica.

[SEAL.] Attest:

J. C. HEMINGWAY, City Clerk.

Now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said Charter of the City of Santa Monica as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the Charter of said City of Santa Monica aforesaid.

Approval
by
legislature.

CHAPTER 7.

Senate Concurrent Resolution No. 2. Approving the charter of the City of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 18th day of July, 1906.

[Adopted February 7, 1907.]

WHEREAS, The City of Alameda, a municipal corporation of the County of Alameda, State of California, now is and was at all the times herein referred to, a city containing a population of more than ten thousand inhabitants; and

Charter of
City of
Alameda.

WHEREAS, At a special municipal election duly held in said city on the 27th day of January, 1906, under and in accord-

Preamble.

Preamble. ance with law and the provisions of Section eight of Article eleven of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and .

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of Alameda; and

WHEREAS, The said charter was on the 26th day of April, 1906, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said City of Alameda, and the other copy with the county recorder of the said County of Alameda, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the Alameda Daily Argus and in the Daily Encinal, each being daily newspapers of general circulation in said City of Alameda, and the said charter being published as aforesaid for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the board of trustees of the City of Alameda to the qualified electors of said City of Alameda at a special election previously duly called and therein held on the 18th day of July, 1906; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city voting at such special election voted in favor of the ratification of such charter as proposed as a whole, excepting that a majority of said qualified electors voting at such election voted in favor of the ratification of Alternative Proposition No. 1 and of Alternative Proposition No. 2 contained in said proposed charter, which alternative propositions were therefore respectively chosen and substituted for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; and

WHEREAS, Said board of trustees after canvassing said returns duly found and declared that the majority of said qualified electors, voting at said special election, had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section eight of Article eleven of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following to wit:

CHARTER OF THE CITY OF ALAMEDA.

ARTICLE I.

BOUNDARIES, SUBDIVISIONS AND GENERAL POWERS.

SECTION 1. The municipal corporation known as the City Name. of Alameda shall remain and continue a body politic and corporate, by the name of the City of Alameda, and by that name shall have perpetual succession.

SEC. 2. The boundaries of the City of Alameda are hereby Bound- declared to be as follows: aries.

Commencing at a point where the center line of High street produced in a right line northerly intersects the center line of the Tidal Canal, and thence following the center line of the Tidal Canal westerly to its intersection with the easterly boundary line of Oakland Township near the west line of Park street if extended northerly to the center line of the Tidal Canal, and running thence southerly to the southeast corner to Oakland Township, which was formerly in a small slough at the most easterly end of San Antonio Creek and always known as a part thereof (said small slough having been since filled in part and dredged along the remaining part through operations relative to the construction of the Tidal Canal); running thence westerly along the center of the said small slough originally forming part of San Antonio Creek to the center of San Antonio Creek proper; thence westerly down the center of San Antonio Creek to the westerly boundary of Alameda County; thence southeasterly along the boundary of said county to an angle thereof; thence easterly along said county line produced in a right line to a point in the line dividing sections thirty-one (31) and thirty-two (32), township two (2), south, range three (3), west, M. D. M.; thence northerly along the said section line to the northeast corner of lot one (1), section nineteen (19), township two (2), south, range three (3) west, M. D. M.; thence in a northerly direction to the center line of the Tidal Canal; thence along the center of the Tidal Canal to the point of commencement.

Unless a majority of the electors of the city shall affirmatively vote therefor at a general or special municipal election, neither shall the boundaries of the city be changed, nor shall the city be consolidated with any other city, or city and county. How boundaries may be changed.

SEC. 3. The City of Alameda may sue and defend in all courts and places; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy real and personal property and dispose of the same for the common benefit; may receive bequests and donations of all kinds of property in fee simple or in trust for charitable and other purposes; and may do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust. May sue and defend.

Present
rights
continued.

SEC. 4. The City of Alameda shall continue, under this charter, to have, hold and enjoy all property, real, personal and mixed, and rights of action of every nature and description, of the existing municipality, and is hereby declared to be the successor of the same.

Existing
suits
continued.

SEC. 5. Suits, actions and proceedings may be brought in the name of the City of Alameda for the recovery of any property, money or thing belonging thereto, in law or in equity, or dedicated to public use therein, or for the enforcement of any rights of or contracts with, the city, whether made or arising or accruing before or after the adoption of this charter. All existing suits, actions or proceedings in the courts or elsewhere, to which the city is a party, shall continue to be carried on by or against the city.

Wards.

SEC. 6. For the purposes of the first election held under this charter, and until changed in the manner hereinafter provided, the City of Alameda shall be divided into seven wards, as follows:

Bound-
aries of
first ward.

The First Ward, which shall include all that portion of the city lying south of an east and west line passing through the center of Bay Farm Island bridge, and known as Bay Farm Island, and also that portion of the city lying north of said east and west line passing through Bay Farm Island bridge, and easterly of the center line of Versailles avenue and the same center line of Versailles avenue extended in a right line northerly to the northern line of the city at the center line of the Tidal Canal.

Second
ward.

The Second Ward, which shall include all that portion of the city not embraced in the First Ward, and lying east of a line drawn through the center of Park street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

Third
ward.

The Third Ward, which shall include all that portion of the city not embraced in the First and Second Wards, lying east of a line drawn through the center of Willow street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

Fourth
ward.

The Fourth Ward, which shall include all that portion of the city not embraced in the First, Second and Third Wards, lying east of a line drawn through the center of Paru street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

Fifth ward.

The Fifth Ward, which shall include all that portion of the city not embraced in the First, Second, Third and Fourth Wards, lying east of a line drawn through the center of St. Charles street, said line extended northerly to the northern boundary of the city and southerly to the western boundary of the Fourth Ward.

Sixth
ward.

The Sixth Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth and Fifth Wards lying east of a line drawn through the center

of Sixth street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

The Seventh Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth, Fifth and Sixth Wards.

Sec. 7. The City of Alameda shall have the right and power, either as principal or as agent:

First: To have, hold, establish, construct, acquire, operate, maintain and regulate public buildings, baths, fountains, markets, dispensaries, sanitariums, hospitals, libraries, reading rooms, schools, gymnasiums, kindergartens, charitable institutions, workhouse, morgue, crematories, gas and electric works, telephone and telegraph systems, ferries, light, heat and power works and transportation service.

Second: To have, hold, acquire, construct and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of, all pipes, tubes, conduits, wires and electric or telegraphic apparatus in, along, over, under and across all public streets and highways; to require all telegraph and electric wires to be placed underground; and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.

Third: To have, hold, erect, purchase or otherwise acquire water, gas and electric works within or without the corporate limits; to supply said city and its inhabitants and persons, firms and corporations outside of said city with water, gas and electricity, and to regulate and control the use and price of water, gas and electricity so supplied.

Fourth: To sell gas, water, electric current and all products of any public utility which the city now owns or controls or which it may hereafter own or control; also to purchase gas, water, electric current or other product which may be of public utility, and to sell the same.

Fifth: To condemn, purchase, construct, own and operate, cable, electric and other railways, and to provide for the carriage of freight and passengers thereon.

Sixth: To acquire, by condemnation, purchase or otherwise, such lands or other property, as may be deemed necessary for corporate use, and to dispose of real or personal property owned by the city as the interests of the city or its inhabitants may from time to time require.

Seventh: To do and perform whatsoever is necessary or convenient for its own government and for the benefit of its inhabitants, and to do any act which the council is by this charter or by any law now or hereafter in force, authorized to do.

Seventh ward.

General powers of city.

Construct public buildings.

Construct and maintain electric apparatus.

Acquire water works.

Sell public utilities.

Operate railways.

Buy and sell lands.

Matters in general.

ARTICLE II.

LEGISLATIVE.

*Chapter I—Council.*Legislative
power.

SECTION 1. Except as otherwise provided, the legislative power of the City of Alameda shall be jointly vested in a body to be designated the council, and in a mayor.

Council-
men, how
elected.

SEC. 2. The council shall consist of nine members, seven of whom shall be nominated by the electors of the respective wards and two by the electors at large. They shall all be elected by the voters at large. Each shall hold office for four years, and until his successor is elected and qualified,

Terms of
office
of first
council.

Provided, that the first council elected under the provisions of this charter shall, at their first meeting, so classify themselves by lot that three of the ward councilmen shall go out of office at the end of two years and four at the end of four years, also that one of the councilmen at large shall go out of office at the end of two years and one at the end of four years. At the time of his election each ward nominee must be an elector of the ward from which he has been nominated, and must be of the age of at least twenty-five years. He must have been an elector of the city for at least three years last preceding his election. The members of the council shall receive no pay for their services.

Qualifica-
tions.

Quorum.

SEC. 3. A majority of the members shall constitute a quorum, but a less number may adjourn from time to time, and compel the attendance of absent members in such manner and under such penalties as the council may prescribe.

Powers.

SEC. 4. The council shall:

One: Judge of the qualifications of its members and of all election returns.

Two: Establish rules for its proceedings,

Three: Keep a correct journal of its proceedings and allow the same to be published. The ayes and noes shall, on demand of any member, be taken and entered therein.

Four: Choose one of its number president.

Meetings.

Five: Meet on the third Monday in April next succeeding the general municipal election, and hold regular meetings twice in each month and at such other times as they shall fix by ordinance. The council shall not adjourn to any place other than its regular place of meeting. The meetings of the council shall be public. Special meetings may be called by the mayor or by the president of the council or by three councilmen, by serving the members personally with written notices or leaving the same at places designated by the respective members.

Legislative
acts shall
be by
ordinance.

SEC. 5. Every legislative act of the city shall be by ordinance. The enacting clause of every ordinance passed by the council shall be in these words: "Be it ordained by the council of the City of Alameda." The enacting clause of every ordinance passed by the people shall be as follows: "Be it ordained

by the people of the City of Alameda." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose. 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 an adjourned regular meeting. Every ordinance shall be signed by the officer presiding at the time of its adoption, attested by the clerk and published at least once in a newspaper published in the City of Alameda, or advertised as hereinafter provided.

Publica-
tion
of ordi-
nances.

It shall not be necessary in any action to plead or prove the organization or existence of such corporation, or the passage, existence or validity of any ordinance thereof; and courts shall take judicial cognizance thereof without proof.

SEC. 6. Except as hereinafter provided no bill shall become an ordinance, or resolution be adopted unless finally passed by a majority vote of all the members of the council, and the vote taken by ayes and noes, and the names of the members voting for and against the same entered in the journal. No resolution or order for the payment of money shall be passed at any other than a regular meeting or an adjourned regular meeting.

Ayes and
noes to be
recorded.

SEC. 7. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted or the section thereof to be amended, shall be re-enacted at length as revised and amended. Any ordinance revised, re-enacted or amended contrary to the provisions of this section shall be void.

Amended
ordinances
to be
re-enacted.

SEC. 8. When a bill is put upon its final passage in the council and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next regular meeting.

Reconsid-
eration.

SEC. 9. If any bill passed by the council containing several items appropriating money or fixing a tax levy, be presented to the mayor, he may object to one or more items separately, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items to which he objects, and the reasons therefor, and the item or items so objected to shall not take effect unless passed notwithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the council in the same manner as bills which have been disapproved by the mayor.

Right of
mayor
to veto.

SEC. 10. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in and about streets, bays, water fronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and when let shall be let to the lowest responsible bidder, after notice by publication in the official newspaper of the city for at least twice a week for two weeks. Such notice shall

Public
improve-
ments to be
done by
contract.

Publica-
tion
of notice.

distinctly and specifically state the work contemplated to be done; *provided* that the council may reject all bids presented, and re-advertise in their discretion.

City printing and advertising

SEC. 11. The council shall annually call for bids for doing city printing and advertising, and the contracts therefor shall be awarded separately, and to the lowest responsible bidder;

Option of council.

Provided, that the council may reject all bids if in their opinion the bid of the lowest responsible bidder is exorbitant, and may again call for bids, subject to the reservation herein-after mentioned. If the council shall determine that the bids secondly received are exorbitant, they may nevertheless let the contract to the lowest bidder for such portion of the printing as the board may determine, reserving the option to obtain other printing from such bidder at his schedule rates; and as to any printing not absolutely mentioned in the contract, the board may from time to time secure the same to be done by any party who may agree to do the same at a lower rate than that scheduled in the bid for doing the city printing; and in lieu of any newspaper advertising, may issue and publish a bulletin containing such matter as they are required by law to publish, sending the same by mail to the registered voters of the city, to their addresses as the same shall appear on the latest printed copy of the great register of Alameda County, and shall also post printed copies of such advertisement in three public places in the City of Alameda, at least five days before action is taken in response to said advertisement. Such mailing and posting shall be conclusively deemed of the same effect as if the advertisement had been fully published in the official newspaper of the city. The board shall annually designate as the official city paper, a newspaper published in this city. All provisions of this charter are subject to the provisions of this section.

City may publish bulletin.

When ordinances take effect.

SEC. 12. Every ordinance shall take effect ten days after its passage, unless otherwise provided.

Approval of ordinances.

SEC. 13. Every bill and every resolution as hereinbefore provided, which shall have passed the council and shall have been duly authenticated, shall be presented to the mayor for his approval. The mayor shall return such bill or resolution to the council within ten days after receiving it. If he approve the bill he shall sign it. If he disapprove it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the mayor shall be entered at large in the journal of the council, and the council shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be passed by the affirmative vote of not less than two thirds of the council, the presiding officer shall certify that fact on the bill or resolution, and when so certified the bill shall become an ordinance with like effect as if it had been approved by the mayor. If the bill or resolution shall fail to receive the votes of two thirds of the council, it shall be deemed to be finally

Veto.

Recon- sideration.

lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for and against the same shall be entered in the journal.

SEC. 14. All ordinances and resolutions shall be deposited with the city clerk, who shall record the same in a suitable book.

Ordinances to be recorded.

All ordinances of a general, public or permanent nature, and those imposing a fine, penalty or forfeiture, shall be published at least once in the city official newspaper within three days after the same shall have become a law. The publication of all ordinances granting any franchise or privilege shall be at the expense of the applicant therefor.

Publication.

SEC. 15. No ordinance passed by the council shall be repealed by the council except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the mayor for his approval as hereinbefore provided.

Repeal of ordinances.

SEC. 16. No member of the council shall be eligible to appointment on any board or commission provided for in this charter except so designated in the charter.

Councilmen ineligible to other office.

Chapter II—Powers and Limitations of the Council.

SEC. 17. Subject to the provisions and restrictions in this charter contained, the council shall have power:

Powers of council.

One: To ordain, make and enforce within the limits of the city all necessary local, police, sanitary, building and other laws and regulations.

Make necessary laws.

Two: To punish its members and others for disorderly or otherwise contemptuous behavior in its presence, and to expel for such behavior in its presence any member by the affirmative vote of not less than two thirds of its members, specifying in the order of expulsion the cause thereof; to compel attendance of witnesses and the production of papers and things pertinent to business, before it or before any of its committees.

Compel attendance of witnesses.

Three: To establish, build and repair bridges; to acquire, lay out, open, widen, extend, alter and close streets, avenues, alleys, lanes, roads, courts, parks, boulevards, playgrounds, recreation grounds and other public places within said city; to fix and alter official grades; to grade, pave, curb, sidewalk, sewer, drain and otherwise improve the same; to provide for the repair, cleaning, watering, oiling, lighting and parking thereof; to manage and control such streets, roads, highways and public places and to regulate the use thereof; to permit, regulate or prohibit the placing or maintaining of trees, hitching posts, safety and convenience stations, signs, awnings and other obstructions therein and to remove obstructions therefrom; to cause to be planted, maintained and cultivated, shade trees therein; to regulate the pruning of all trees planted and maintained in public places; to levy special assessments for street improvements, and to provide for the collection of the same.

Build bridges, etc.

Four: To establish fire limits with proper regulations.

Firelimits.

- Sidewalks.** Five: To require the owners of real property to construct and repair sidewalks, and to remove grass, weeds and obstructions from sidewalks in front of their property; to require them to prune sidewalk trees as provided by ordinance; and upon their neglect or refusal, to cause such work to be done, the cost thereof to be made a lien upon said property or otherwise recovered from such owners.
- Repair of buildings.** Six: To regulate and determine the character and mode of construction, plumbing, piping and wiring of buildings that may be erected in the city, and the nature and kind of materials to be used in the construction, alteration or repair of such buildings, or in the alteration or repair of existing buildings, and to restrict the height of buildings and fences.
- Exits from theaters.** Seven: To regulate the size and construction of the entrances and exits to and from theaters, lecture rooms, churches and other places for public gathering, and to prohibit the placing of seats and other obstructions in the aisles and open spaces in such buildings.
- Regulate operation of factories.** Eight: To regulate or prohibit the operation of all manufacturing, occupations or trades which may be of such a nature as to affect the public health or good order of the city, or disturb the public peace, or which may be offensive to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.
- Explosives.** Nine: To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks and other explosive materials and substances.
- Storage of hay.** Ten: To regulate the storage of hay, straw, oil and other inflammable or combustible materials.
- Steam boilers.** Eleven: To regulate the use of steam engines and gas engines and steam boilers, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.
- City prison.** Twelve: To provide for and maintain a city prison, and to provide for the government, maintenance and clothing of persons detained therein.
- Nuisances.** Thirteen: To declare what shall be a nuisance and to provide for the abatement of the same and for the punishment of any person or party who shall create, maintain or suffer a nuisance to exist; and every act or thing done or being within the limits of the city which is or may be by law or by any ordinance of the city declared to be a nuisance shall be and is hereby declared to be a nuisance, and shall be considered and shall be treated as such in all actions and proceedings whatever; and all remedies which are or may be given for the prevention and abatement of nuisances shall apply thereto.
- Public pound.** Fourteen: To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody, redemption, sale or destruction of the same.

Fifteen: To provide for the inspection of water meters, gas meters and electric meters, and of weights and measures, and to enforce such regulations as may be necessary to insure their accuracy, and to provide for the inspection of all buildings, including those in process of construction or repair; also to provide for the inspection of all food products and liquids, and to compel samples thereof to be furnished to inspectors for analysis and to compel dealers to furnish the names and addresses of manufacturers or other persons from whom impure or adulterated food, food products or liquids have been obtained; and the council may, by ordinance, prescribe penalties for the sale of goods, wares or merchandise weighing or measuring less than represented, and for the sale of impure or adulterated food products or liquids, and may order the same destroyed.

Inspection
of meters
and
weights.Food
products.

Sixteen: To fix and determine by ordinance in the month of February of each year to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the city for the use of water, heat, light or power, telephonic or telegraphic or other public service supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Public
service
rates.

Seventeen: To impose all license taxes, subject to the restrictions elsewhere in this charter contained, and to provide for the collection thereof.

License
taxes.

Eighteen: To change the boundaries of the several wards in the city, subject to the provisions of this charter, provided that said boundaries shall not be changed by the council oftener than once in four years nor within ninety days prior to any general municipal election.

Bound-
aries
of wards.

Nineteen: To authorize the granting of licenses for any lawful purpose, for revenue and regulation, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same; *provided* that no license shall be granted for a longer period than one year.

Licenses.

Twenty: To prescribe and enforce fines, forfeitures and penalties for the breach of any ordinance or resolution.

Fines.

Twenty-one: To fix the fees and charges for all official services not otherwise provided for in this charter.

Official
fees.

Twenty-two: To provide a seal for the city, which shall be the seal of the several departments, boards, commissions and officers thereof.

Seal.

Twenty-three: To fix, alter, regulate and control fares and rates on all cable, electric, steam or other railways within the city; to compel the owners of two or more such roads using the same street for a distance not exceeding five blocks to use the same tracks and to equitably divide the cost of construction and maintenance thereof; to regulate rates of speed and to protect the public from danger or inconvenience in the operation of such roads; to erect, construct and maintain all buildings and appurtenances necessary to the operation of such roads as may be hereafter owned or controlled by the city.

Fares on
railroads.

Sale of personal property. Twenty-four: To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Purchase of property. Twenty-five: To provide for the purchase of property levied upon or under execution in favor of the city; but the amount bid on such purchase shall not exceed the sum of the judgment, interest and costs.

Local improvements. Twenty-six: To provide for making local improvements and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof; to determine what work shall be done or improvements made at the expense in whole or in part, of the owners of the adjoining contiguous or proximate property, or others benefited thereby, and to provide for the manner of making and collecting assessments therefor.

Deepening waterways. Twenty-seven: To provide for the deepening, widening, docking, covering, walling, altering or changing the channels of waterways and watercourses, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks, viaducts, subways, tunnels and levees and all work which may be required for the accommodation of commerce, and to control and regulate the use thereof; also to provide for the construction and purchase of all such work or works by the city and for its use and benefit, and for the entire or partial construction, maintenance and ownership of the same by the city, or as tenant in common with any other corporation.

Anchorage of water craft. Twenty-eight: To control, regulate or prohibit the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Rates of wharfage. Twenty-nine: To fix the rate of wharfage, storage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States; to license, regulate, control and restrain wharf boats, tugs and other boats used about the harbor or within the jurisdiction of the city.

Fish and game. Thirty: To make and enforce laws for the protection of fish and game within the limits of the city.

Appointive offices. Thirty-one: By a two-thirds vote of the whole council to disapprove of any nomination to an appointive office, made by the mayor.

Mayor's secret service fund. Thirty-two: To appropriate annually, and the council must so appropriate, to the mayor, for his own use, the sum of six hundred dollars, for which he need furnish no vouchers.

Council may delegate powers. Thirty-three: To do and perform any and all other acts and things which are necessary and proper for the execution of the provisions of this charter, including the power to delegate any of the powers herein conferred; and in addition, to have all powers not in conflict with the constitution and laws of the United States or of the State of California, or in conflict with this charter or with ordinances adopted by the people.

SEC. 18. The council shall not sell or convey any portion of any water front. No lease or sale of real estate shall be authorized by the council except by ordinance passed by the affirmative vote of three fourths of the members and approved by the mayor; and no lease shall be made for a period longer than ten years except by ordinance adopted by the people.

Water front not to be sold.

SEC. 19. The council must, at the time of making the annual tax levy, include therein such rate for school purposes as is elsewhere in this charter provided.

School tax levy.

SEC. 20. The council shall appoint from its members a committee consisting of three, to be called the finance committee, and shall fill all vacancies in said committee. The finance committee shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury; and shall have free access to all records, books and papers in public offices or kept by public officials; shall have power to administer oaths and affirmations, to examine witnesses and compel their attendance by subpoena. The finance committee may at any time visit any of the public offices and make examination and investigations therein without hindrance.

Finance committee.

The finance committee must, at least once in every six months, examine the official bonds of all city officers and investigate the sufficiency and solvency of the sureties thereon and report in writing the facts to the mayor. Such reports shall specify each bond with the sureties, and the amount for which each surety is bound, and shall state their opinion as to the sufficiency of each amount and the solvency of each surety. Upon such report the mayor shall take such action as may be necessary to protect the interests of the city. He may require new bonds when he deems it necessary and he may suspend any officer until a sufficient bond be filed and approved.

Examine official bonds.

SEC. 21. The finance committee shall have power to examine the records and to examine and expert the books of account of all persons, companies or corporations that are required to pay a portion of their receipts into the treasury; and shall likewise as an aid to the fixing of rates for the furnishing of water, light and power or other service to the city and to the inhabitants thereof, have like power to examine and expert the books of account of any and all persons, companies or corporations so furnishing water, light or other service.

Books of certain corporations may be experted.

In the exercise of its functions the concurrence of two members shall be sufficient. The finance committee shall keep a record of its proceedings, with the names of the witnesses examined and a substantial statement of the evidence taken. If from their examination it shall appear that an offense has been committed by an officer, or that an officer is in default, the committee shall immediately report to the mayor, who shall take such proceedings against such officer as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the processes of the committee.

Duties of, when officer is in default.

Council shall fix amount of official bonds.

SEC. 22. The council shall, by ordinance, determine what officers shall give bonds for the faithful performance of their duties, and shall fix the amount of such bonds; and each of such officers shall, before entering upon the duties of his office, execute a bond to the city in such penal sum as the council, by ordinance, may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this charter ex-officio incumbent. Such bonds shall be approved by the council. All bonds when approved shall be filed with the city clerk, except the city clerk's bond, if any, which shall be filed with the mayor. All the provisions of any law of this state relating to the official bonds of officers as then existing shall apply to such bonds except as herein otherwise provided. Every officer of the city, before entering upon the duties of his office shall take and file with the city clerk the constitutional oath of office.

Chapter III—Initiative and Referendum.

Basis and percentage.

SEC. 23. The basis of the percentage in this chapter provided for any petition shall be the total number of voters appearing on the great register of the County of Alameda, as residing in the City of Alameda at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter, shall be qualified to sign the petitions herein provided for.

Petition.

SEC. 24. Upon presentation to the council of a petition signed by qualified electors of the city in number equal to ten per cent. of said registered voters asking for submission to the electors of a measure fully set forth in said petition, being a measure that the council might itself adopt, the council itself must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition. But if such petition request the calling of a special election and be signed by qualified electors equal in number to twenty per cent. of said registered voters, then such measure, if not so enacted by the council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition.

Special election.

Measures to be submitted at regular election.

SEC. 25. If such proposed measure is a measure that the council might adopt except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition be signed by qualified electors in number equal to twenty-five per cent. of said registered voters, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition.

Method of presenting petitions.

SEC. 26. The method of signing and presenting petitions provided for herein shall be as follows: The signatures to a petition need not be appended to one paper, but each signer

shall add to his signature his place of residence, giving the street and number or residence location. Each paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Petitions shall be filed with the city clerk and by him presented to the council.

SEC. 27. Within ten days from the date of the filing of such petition in his office, the city clerk shall examine the great register and therefrom and from certificates of voters shall ascertain whether or not said petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine.

City clerk
to examine
great
register.

SEC. 28. If by the clerk's certificate it is shown that the petition has not been signed by the requisite number of qualified electors as herein provided, it may be amended within ten days from the date of said certificate by the farther addition of names. The clerk shall within ten days after such amendment, make like examination of said amended petition, and if his certificate shall show the same to be insufficiently signed as heretofore provided it shall be returned to the person who filed the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficiently signed as herein provided, the clerk shall present the same to the council without delay.

Amended
petition.

SEC. 29. After the first special election held hereunder, no special election shall be held under the provisions of this chapter until after the expiration of six months from the date of the holding of a preceding special election.

Limita-
tions
on special
elections.

SEC. 30. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city at any election, the city clerk shall cause the measure to be printed, and he shall send by mail a printed copy thereof, to each voter whose name appears on the great register of Alameda County as last printed and published, at least ten days prior to election; but the council may order such measure to be published in the official newspaper of the city in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the measure, as above provided. Ordinances and measures in connection with local improvements, the expenses whereof are to be defrayed by local assessment, shall not come within the operation of this chapter.

Copy of
proposed
measures
to be
mailed to
electors.

SEC. 31. Any measure that the council or the electorate of the city, as herein provided, has authority to adopt, the

Council
may sub-
mit any
measure to
electors.

council may, of its own motion, submit to a vote of its constituent electors at a general or special election.

When
penal ordi-
nances
take effect.

SEC. 32. Except as herein provided no penal ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment and contracts where the subject matter involved is of less value than one thousand dollars), passed by the council shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the whole council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the council, or as otherwise provided by law.

Emergency
measures.

Petitions.

SEC. 33. If within said thirty days a petition signed by qualified voters of the city, in number equal to ten per cent. of said registered voters, is filed with the city clerk, asking that any penal ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment, and contracts, where the subject matter involved is of less value than one thousand dollars), adopted by the council, be submitted to the electorate, then such ordinance or measure must either be repealed or be submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition, and said petition has been signed by qualified electors of the city in number equal to fifteen per cent. of said registered voters, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall within one year be again submitted except by vote of the council at the next general municipal election, or on a petition signed by twenty-five per cent. of said registered voters. Said petition shall be in all respects in accordance with the provisions hereinafter specified in this chapter, except as to the percentage of signers, and shall be examined and certified by the clerk in all respects as heretofore provided.

Council
must
repeal or
submit
measure to
electors.

Ordi-
nances
approved
by elec-
torate not
subject
to veto.

SEC. 34. If a majority of votes cast by the electors of the city on any ordinance or measure referred to in this chapter shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city ten days after the official count has been determined; otherwise such ordinance or measure shall be repealed or rejected. Such repeal shall take effect ten days after the official count has been determined. No ordinance or measure approved by the electorate under the provisions of this

chapter shall be subject to veto, or be amended or repealed except by vote of the electorate.

SEC. 35. If the provisions of two or more measures approved and adopted at the same election, under the provisions of this chapter conflict, then the measure receiving the highest affirmative vote shall control. When provisions conflict.

SEC. 36. Whenever an applicant for a franchise, or other person, shall pay in advance to the city the expenses of a special election, the council must call such special election as heretofore provided, at which the proposed ordinance shall be submitted to vote of the electors. When council must call special election

ARTICLE III.

EXECUTIVE.

Chapter I—Mayor.

SEC. 1. The chief executive officer of the City of Alameda shall be designated the mayor. He shall be at least thirty years of age. He shall be a qualified elector of the city, and must have been such elector for three years next preceding the day of his election. He shall receive no salary. He shall be elected by the qualified voters of the city at the general city election, and his term of office shall be two years. Chief executive officer.

He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall be the presiding officer of the council, but shall have no vote. He shall vigilantly observe the conduct of all public officers, and shall take notice of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection and disbursement of the public funds and the control of the public property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. For the purpose of examining into the conduct of any board, commission, committee or other body entrusted with interests pertaining to the city, he shall have the power to call a special meeting of such board, commission, committee or other body. Salary.

Any defalcation or willful neglect of duty or official misconduct which he may discover or which may be reported to him shall be laid by him before the council in order that the public interests may be protected, and the person in default be proceeded against according to law. Duties of.

He shall from time to time give the council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial. He shall have general supervision over all the departments and public institutions of the city, and shall promote, to the best of his ability, the honest, economical and lawful conduct thereof. Shall inform council.

Preservation
of public
order.

SEC. 2. He shall take all proper measures for the preservation of the public order and the suppression of riots and tumults, and in case of emergency shall be vested with command of the chief of police and of the police force, and in such case shall have power to add to the police force as may in his judgment be required.

Shall
appoint
officers.

SEC. 3. The mayor shall appoint all officers and fill all vacancies not otherwise provided for in this charter, and such appointees shall serve for the unexpired term. All such appointees shall be approved by the council as elsewhere provided. Such appointees shall possess the qualifications prescribed by this charter for their eligibility to the respective offices.

Contracts.

SEC. 4. He 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.

May
suspend
officers.

SEC. 5. He shall have power to suspend any city officer, appointed or elected, except a member of the council, for dereliction, neglect or non-performance of duty, and shall immediately report his action in writing to the council. If the council, after hearing, approve the suspension, they shall either declare the office vacant or shall continue the suspension for such time as they may deem proper, and such vacancy shall be filled as otherwise provided.

Mayor pro
tempore.

SEC. 6. In the event that the mayor shall be temporarily unable to perform his official duties, the president of the council shall act as mayor pro tempore. Should a vacancy occur in the office of mayor it shall be filled by the council, assembled for the purpose, and said appointee shall hold until the next general municipal election.

Chapter II—Auditor and Assessor.

Auditor
and
assessor.

SEC. 7. An auditor shall be elected at the same time and in the same manner as the mayor. He shall be an elector of the city, and shall have been such for three years preceding his election. He shall hold office for two years. He shall be ex-officio assessor. His compensation for acting in both capacities shall be one hundred and twenty-five dollars per month.

Salary.

General
duties as
auditor.

SEC. 8. As auditor he shall keep a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, and on what account and out of what fund payable. He must always know the exact condition of the treasury. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the city and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appro-

priation and fund thereof upon the demand of the mayor, the council, or any committee.

SEC. 9. He shall keep an account of all moneys paid into and out of the treasury, and the treasurer shall pay no money out of the treasury except upon demand approved by the auditor. Keep accounts

SEC. 10. He shall approve no demand unless the same has been allowed by the officer, board, department or committee required to act thereon. Approval of demands.

SEC. 11. Every demand approved by him shall specify on its face each item composing it and the amount and date thereof, and shall be numbered and acted upon in the order of its presentation. Demands to be itemized.

SEC. 12. No demand shall be allowed in favor of any corporation or person in any manner indebted to the city, except for taxes not delinquent, without first deducting the amount of any indebtedness of which he has notice; nor in favor of any person having the collection, custody or disbursement of any public funds, unless his account has been presented, passed, approved and allowed as herein required; nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance or the regulations of the council; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties, and he may refuse to audit the salary demand of any officer or employé for the time he shall have absented himself without legal cause from the duties of his office during office hours. The auditor may examine on oath any person receiving a salary from the city touching such absence. Restrictions on allowance of claims.

SEC. 13. Every demand upon the treasurer must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation payable and out of what fund payable. If he allow it he shall endorse upon it the word "allowed," with the name of the fund out of which it is payable, and the date and consecutive number of its allowance, and sign his name thereto. Allowance of claims.

SEC. 14. He shall have authority to take affidavits and administer oaths necessary in the transaction of all city business. May administer oaths.

SEC. 15. As assessor the auditor shall perform all the duties prescribed by this charter, by ordinance or by law, for assessing property in the city for the purpose of taxation. He may appoint deputies in such number and for such time as may be determined by the council, their salaries to be fixed by the council. Duties as assessor.

Chapter III—City Clerk.

SEC. 16. The council shall appoint a city clerk who shall hold office for two years from the date of his appointment, unless sooner removed by resolution adopted by a majority vote of the whole council. He shall be clerk of the council City clerk.

General
duties.

and shall be the mayor's private secretary; shall keep the corporate seal and all the books, papers, records and other documents belonging to the city the custody of which may not be otherwise provided for. He shall attend all meetings of the council and shall keep a record of its proceedings and a record of its by-laws, ordinances and resolutions, and shall perform such other duties relating to his office as the council may direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall attest by signature all leases and grants of the city. He shall receive a salary to be fixed by the council.

Chapter IV—Treasurer and Tax Collector.

Treasurer.

SEC. 17. There shall be a treasurer, who shall be elected in the same manner and at the same time as the mayor, and who shall hold office for four years. He shall be ex-officio tax collector, and shall collect the licenses if so directed to do by the council.

Keep
accounts.

SEC. 18. As treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; and shall do all things required of him by any ordinance of the city.

Pay out
money.

SEC. 19. He shall pay out money belonging to the city only upon legal demands, allowed and audited in the manner provided by this charter or authorized by law.

Tax
collector.

SEC. 20. As tax collector he shall perform the duties in this charter and by the general laws of the state provided, and as directed by ordinances and resolutions. His compensation shall be fixed by the council.

Office of
treasurer
may be
abolished.

SEC. 21. Whenever not in conflict with the constitution of this state, it shall be permissible, in the following manner, to abolish provision for the election of a treasurer:

An ordinance may be adopted by the vote of the electorate, under the form and restrictions elsewhere in this charter provided, abolishing the provision in this chapter for the election of a treasurer, and for the salary thereof, and substituting in lieu thereof a provision for the appointment of a bank or banks to act as depository or depositaries of the funds of the city. Such ordinance must provide due safeguards for the proper keeping and disbursement of the funds of the city. It may also name the salary of the official who shall thereafter be elected tax collector; and shall provide that such tax collector shall make daily deposit in the proper depository, of all sums collected by him as tax collector. Such ordinance may be drawn to cover, supersede and repeal all the provisions of this chapter. It shall not take effect until the close of the term for which the treasurer then in office has been elected.

Chapter V—Street Superintendent.

SEC. 22. The street superintendent shall have the general care of the streets, boulevards, parks, plazas, playgrounds and wharves of the city and it shall be his duty to frequently inspect the same. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions. He shall receive a salary to be fixed by the council.

Street superintendent.

Salary.

SEC. 23 He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction; inspect and approve or reject all materials used in such construction, whether done under contract or otherwise; and shall at once report to the council all deviations from contracts, and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance or by direction of the council. He shall devote his entire time to the duties of his office.

Inspect public works.

SEC. 24. He shall be appointed by the council, and shall serve for a period of two years.

Term.

Chapter VI—City Engineer.

SEC. 25. It shall be the duty of the city engineer to make all surveys, inspections and estimates required by the council. He shall receive a salary to be fixed by the council, and such fees as may be established by ordinance.

City engineer.

SEC. 26. He shall examine all public work done under contract, and report thereon in writing to the council.

Examine public work.

SEC. 27. He shall on application of any person owning or interested in real property in the city, for a survey or plat of such property, make and deliver the same upon the payment of his fee therefor.

Survey real property.

SEC. 28. He shall be the custodian of and responsible for all maps, plats, 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 a full index thereof, and all of which he shall turn over to his successor.

Custodian of maps.

SEC. 29. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work made or done by him, or under his direction or control during his term of office for the city, shall be the property of the city.

Maps shall be property of city.

SEC. 30. He shall perform such other duties as are prescribed by this charter or as may be imposed by ordinance or by direction of the council.

Other duties.

SEC. 31. He shall be appointed by the mayor with the approval of the council, as elsewhere provided, and shall serve for a period of two years.

Term.

ARTICLE IV.

JUDICIAL AND LEGAL.

Chapter I—Police Court.

Police
court.
Jurisdic-
tion.

SEC. 1. The judicial power of the city shall be vested in a police court to be held by the police judge of the city. Said police court shall have jurisdiction concurrently with the justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinances of the city, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of Alameda county, from all judgments of said police court, in like manner and with like effect as in cases of appeals from justices' courts.

Police
judge,
powers of.

SEC. 2. The police judge shall be judge of the police court, and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall receive for his services a salary to be fixed by the council, and in addition thereto, shall be entitled to charge and receive such fees as are or may be allowed by law to justices of the peace for like services in civil actions.

When
judge is
dis-
qualified.

SEC. 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 in any justice of the peace residing in the county.

Must be an
attorney.

SEC. 4. The police judge must be an attorney-at-law, duly admitted to practice by the supreme court of the state. He shall be elected in the same manner and at the same time as the mayor and shall hold office for four years.

When
court shall
be es-
tablished.

SEC. 5. The foregoing provisions of this article shall not take effect until the council shall deem it necessary or expedient to establish a police court, as above provided for, and shall by ordinance so declare and establish the same. Until the council shall so ordain, the provisions of the general laws of the state applicable to city justices of the peace shall be and continue in full force and effect.

Chapter II—City Attorney.

City
attorney.

SEC. 6. There shall be a city attorney who shall be appointed by the council, and who shall have been an elector of the city for at least four years' next before his appointment,

and shall be an attorney and counselor-at-law duly admitted to practice by the supreme court of the state, and shall have actually been engaged in the practice of his profession for a period of at least four years next before his appointment, and whose term of office shall be two years and until his successor is appointed and qualified. It shall be his duty to prosecute on behalf of the people all criminal cases before the police court and justices of the peace, for all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party or in which the city may be legally interested. He shall be in attendance at every meeting of the council unless excused therefrom; and shall give his advice or opinion in writing whenever required by the council, board of education or other city officers. He shall be the legal adviser of all city officers; he shall approve the form of all bonds given to and all contracts made with the city; he shall, when required by the council or any member thereof, draft any and all proposed ordinances for the city and amendments thereto; and he shall do and perform all such things touching his office as the council or mayor may require of him, and shall, at the expiration of his term, surrender all books, papers and documents pertaining to the city's business over to his successor. He shall receive a salary to be fixed by the council.

Qualifications.

Duties of.

ARTICLE V.

FINANCE AND TAXATION.

Chapter I—Levying of Taxes.

SEC. 1. On or before the second Monday of May in each year the heads of departments, offices, boards and commissions of the city shall send to the council an estimate in writing of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, offices, boards and commissions for the fiscal year next ensuing, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the auditor.

Estimates for tax levy.

SEC. 2. On or before the first Monday of June in each year the auditor shall transmit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for all outstanding funded debts, and the wants of all the departments of the municipal government in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Auditor shall transmit estimates to council.

SEC. 3. The council shall have power, and it shall be their duty, to provide by ordinance, a system for the assessment,

System of assessment.

levy and collection of all city taxes, not inconsistent with the provisions of this charter, which system shall conform, as nearly as the circumstances of the case may admit, to the provisions of the laws of this state in reference to the assessment, levy and collection of state and county taxes, except as to the time for such assessment, levy and collection;

Provided that taxes on real property shall be due and delinquent at the same time that state and county taxes are now due and delinquent.

Taxes
a lien on
property.

SEC. 4. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment shall attach as of twelve, noon, on the first Monday in March of each year, and shall not be satisfied or discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

Mode of
collecting
taxes.

SEC. 5. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Alameda county. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county;

Provided, that the council may, by ordinance, regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed; and such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of collections of state and county taxes in said county.

Delin-
quent tax
sales.

SEC. 6. All sales for delinquent taxes shall be made to the City of Alameda, unless otherwise regulated by ordinance.

Council
may
extend
time.

SEC. 7. The council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

Fines and
forfeitures

SEC. 8. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city, under said laws, shall be for the use of the city. When real

estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the state when offered for sale for state and county taxes, and the council shall have the same powers and duties in relation to such property as are given by law to the state board of equalization in case of a sale to the state, but no certificate or receipt need be delivered to the state controller.

SEC. 9. No officer shall be required to send or transmit any statement or report to any state officer or board.

Reports to state officers not required.

SEC. 10. All papers and instruments required to be filed or recorded with or by the county recorder by the revenue or taxation laws of this state, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the county recorder of Alameda county.

Recorded instruments.

SEC. 11. Whenever the council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high school building, sewer, property, water right, bridge, canal, tunnel or other public improvement, or utility, the cost of which in addition to the other expenditures of the city will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose and proceed therein as provided in the constitution of this state and the general law or laws thereof, now or hereafter in force.

Municipal buildings.

SEC. 12. Except as otherwise provided in this charter no money shall be drawn from the treasury unless in consequence of appropriations made by the council and upon warrants duly drawn thereon by the auditor.

Warrants.

SEC. 13. No warrant shall be drawn except upon an unexhausted specific appropriation.

Restrictions.

SEC. 14. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract as certified by the board or officer making the same. This provision shall not apply to work done or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract by public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remain unapplied and unexpended such amount so specified by the officer making the contract, and thereafter shall hold and retain such sum to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish monthly, and oftener if requested, to the head of each department a statement of the unexpended balances of the appropriation for such department.

Funds shall not be overdrawn.

Amount of tax levy. SEC. 15. The amount of the tax levy shall be sufficient to provide for the payment during the fiscal year, of all demands upon the treasury authorized to be paid out of the same; but such levy exclusive of the tax to pay the interest and maintain the sinking funds of bonded indebtedness of the city, and exclusive of the tax to pay for street and sewer work and to pay for the maintenance and improvement of the parks, squares and public grounds of the city shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The council in making the levy shall apportion the taxes to the several funds.

Dollar limit.

Limitation may be suspended.

SEC. 16. The limitation in the section last preceding shall not apply in case of any great necessity or emergency. In such case the limitation may be temporarily suspended, so as to enable the council to provide for such necessity or emergency. No increase over the dollar limit shall be made in the rate of taxation authorized to be levied in any fiscal year, unless such increase be authorized by ordinance adopted by vote of the people or passed by a three-fourths vote of the council and approved by the mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the journal of the board. Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law or which can not be paid out of the income and revenue provided, collected and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

Payment of bonds.

SEC. 17. The council shall, subject to the provisions of this charter, fix the amount of municipal revenues and provide by ordinance for the collection thereof. They shall, from time to time, provide for the payment of the interest and principal of the bonds for which the city is liable.

Disbursements.

SEC. 18. The council shall authorize the disbursement of all public moneys except as otherwise specifically provided in this charter.

Transfers to general fund.

SEC. 19. At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands fully adjudicated, the council shall direct the treasurer to transfer all surplus moneys to the general fund, except such surplus moneys as are in the several interest and sinking funds, in the school fund, in the library fund and in such other funds the disposition of whose surplus moneys is in this charter otherwise provided for.

Basis of taxation.

SEC. 20. The assessment of property within the city made by the county assessor of Alameda county and the state board of equalization may be the basis of taxation of the city, unless the council on or before the fourth Monday of July in any year, shall, by ordinance, elect to have an independent assessment made by the city assessor for such year; in which event such ordinance shall prescribe the time within which such

assessment shall be made, and the method of making the same, and shall provide for such clerical assistance as may be required to properly prepare such assessment.

SEC. 21. Should any property in the city, however, not be assessed by the county assessor, the city assessor shall assess and enter the same in the "Subsequent Assessments" provided for in the next section. Property not assessed.

SEC. 22. It shall be the duty of the assessor at any time subsequent to the first Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head "Subsequent Assessments," and shall deliver a true copy thereof, duly certified by him, to the city clerk, to be by him compared with the entries on the assessment roll. Subsequent assessments.

SEC. 23. The council shall meet at the usual place of holding meetings on the first Monday of September of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been received. They shall have power to hear complaints, and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. They may also, partially, or wholly, relieve from taxation any improvements, structures or fixtures used exclusively for manufacturing, erected or placed in the city subsequent to the first day of January, 1906; Board of equalization.

Provided, that no particular property shall be exempt from taxation for more than two years. May exempt manufactories.

SEC. 24. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which said tax is to be levied in said year. Assessment roll.

Chapter II—The Several Funds.

SEC. 25. The income and revenue paid into the treasury shall be at once apportioned to and kept in separate funds, one of which shall be designated the general fund, and which shall consist of money received into the treasury not specifically apportioned to any other fund. Apportionment of funds.

SEC. 26. Except as otherwise provided in this charter, any moneys remaining at the end of any fiscal year in any interest and sinking fund or in a fund provided by a special bond issue for a specific purpose, the school fund, the library fund and the electric fund, shall be carried forward and apportioned to the respective funds for the ensuing fiscal year. Specific funds.

SEC. 27. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money applicable to its payment, may be paid out of any money which may subsequently come into the proper Unpaid claims, how may be paid.

fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue when collected.

Chapter III—The Custody of Public Moneys.

Public moneys to be paid into treasury.

SEC. 28. All moneys arising 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 from 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. All officers or persons collecting or receiving such moneys must pay the same into the treasury daily.

Salaried officers not to accept fees.

SEC. 29. No salaried officer, except as otherwise provided in this charter, shall receive or accept any fee, payment or compensation either directly or indirectly for any services performed by him in his official capacity, or any fee, payment or compensation for any official service performed by any of his deputies, clerks or employes, whether performed during or after official business hours. No deputy, clerk or employe of such officer shall receive or accept any fee, compensation or payment other than his salary as now or hereafter fixed by law, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

Lawful fees to be paid into treasury.

SEC. 30. Every fee, commission, percentage, allowance or other compensation authorized by law to be charged, received or collected by any officer for any official service, must be paid daily by the officer receiving the same, to the treasurer, except as otherwise provided in this charter. The treasurer shall place the same to the credit of the general fund.

Official receipts.

SEC. 31. The auditor or other proper officer must deliver from time to time to the treasurer, and to every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, for the performance of any official service or duty, as many official receipts as may be required, charging therewith the treasurer or other officer receiving them. Such receipts must be bound into books containing not less than one hundred such receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with receipt. When the books containing receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the auditor or other proper officer, in whose custody they shall remain thereafter.

Detail of receipts.

SEC. 32. When a receipt as herein provided is issued by the treasurer or other officer, he must state therein the date of payment, the name of the person making the payment, and the amount of such payment, the nature of the service for which the charge is made, and the name and official designation of

the officer performing the service, and shall make corresponding entries on the stub of each receipt.

SEC. 33. On the first day of each month the treasurer, tax collector and city marshal, and every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, must make to the auditor a report under oath of all moneys received by him during the preceding month, showing the date and number of the receipt on which the money was received, the amount of each payment, by whom paid, the nature of the service, and the name and official designation of the officer performing the service. At the same time, or oftener, if required by the auditor, each officer above named shall exhibit to the auditor all official receipts received by him during the preceding month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month.

Monthly settlements required.

SEC. 34. The demand of the auditor for his monthly salary shall be audited and allowed by the mayor. All other demands on account of salaries fixed by law, ordinance or this charter, and made payable out of the treasury, may be allowed by the auditor without previous approval. All demands payable out of any fund in the control of any board, commission or committee, before they can be allowed by the auditor or paid, must be regularly approved by such board, commission or committee. All demands on the treasury for salaries, wages, compensation of deputies, clerks, assistants or employes in any office or department must, before they can be audited or paid, be first approved in writing by the officer, board or department of authority under whom or in which such demand originated. All other demands payable out of any fund in the treasury must, before they can be allowed by the auditor or paid, be approved by the department, board or officer in which or with whom the same have originated, and in all such cases must be approved by the council, and if for more than two hundred dollars, also by the mayor.

Payment of demands.

SEC. 35. Every demand against the city shall, in addition to the other entries and endorsements upon the same required by this charter show: 1. The ordinance or authorization under which the same was allowed. 2. The name of the board, department or authority authorizing the same. 3. The fiscal year within which the indebtedness was incurred. 4. The appropriation provided to meet the demand. 5. The name of the specific fund out of which the demand is payable. Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided, collected and paid into the proper specific fund in the treasury for the fiscal year within which the indebtedness was incurred.

What demands must show.

ARTICLE VI.

PUBLIC SCHOOLS AND LIBRARIES.

*Chapter I—Board of Education.*Board of
education.

SEC. 1. The government of the school department of the city shall be vested in a board of education, to consist of five members, to be called school directors, who shall receive no compensation. They shall be appointed by the mayor, subject to approval by the council as provided in Article II, Sec. 17, subdivision thirty-one, and shall hold office for the term of five years and until their successors have been appointed and qualified;

Term of
office.

Provided, that the directors first appointed shall, at their first meeting, so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, four and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment by the mayor in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

Organiza-
tion.

SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected and qualified.

Meetings.

SEC. 3. The board shall hold regular meetings at least once in each month, and at such other times as it may determine by its rules. Special meetings may be called at any time by its president; and the president shall call a special meeting at any time when requested in writing so to do by any two members. It shall establish rules for its proceedings. The presence of a majority of its members shall be necessary for the transaction of business. In every instance where a power is exercised by the board under this article the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except otherwise provided in this charter.

Powers
and duties.

SEC. 4. In addition to the powers and duties prescribed by the general laws of the state, the board of education shall have power:

Establish
schools.

One. To establish and maintain public schools in the City of Alameda, including kindergarten, primary, grammar, high, technical, evening and physical and manual training schools, and to change, consolidate and discontinue the same as public welfare may require.

Manage
property.

Two. To manage and control the school property.

Employ
teachers.

Three. To employ, pay, promote, transfer and dismiss such teachers and persons and at such times as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient reasons the whole or part of the salaries or compensation of any person or persons employed as aforesaid.

Make
rules.

Four. To make, establish and enforce all necessary rules

and regulations for the government, efficiency and progress of the schools.

Five. To establish and regulate the grade of schools and adopt a course of study, not in conflict with that prescribed by higher state authority. Course of study.

Six. To provide the school department with all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department. Supplies.

Seven. To build, repair, alter, rent and provide school houses and to furnish them with proper furniture, apparatus and appliances, and to insure any and all school property against loss by the elements. Build school houses.

Eight. To recommend and arrange for the purchase, sale, lease and exchange of school lots and other school property for the City of Alameda; to take charge of any and all real estate and personal property which may have been or may hereafter be acquired for the use and benefit of the public schools of the city; *provided* that no real estate shall be bought, sold or exchanged without the consent of the council or of the people evidenced by ordinance; *and provided further* that the proceeds of any such sale of real estate or of personal property shall go into the school fund of the city. Purchase and sell school lots.

Nine. To sue and to prosecute and defend actions at law or in equity in the name of the board of education, and to employ counsel therefor in case the city attorney be disqualified or unable to act. Service of process upon the president or upon the majority of the members of the board shall be sufficient to give jurisdiction. Sue and defend.

Ten. To establish regulations for the proper use, application and manner of disbursing for school purposes only, all moneys belonging to the school fund, subject to the forms and methods of accounting required by the city auditor. Disburse moneys.

Eleven. To admit non-resident children to any department of the public schools at their discretion, upon the payment as the board may direct, of tuition fees to be fixed by the board; *provided* that said fees shall not be less than the cost per capita per pupil. Non-resident children.

Twelve. To admit, and it shall be their duty to admit adults to free tuition in evening schools, but no child under the age of twelve shall be admitted to such schools. Evening schools.

Thirteen. To employ and dismiss school census marshals, and to fix, alter, allow and order paid their compensation. Census marshal.

SEC. 5. The board of education shall appoint a superintendent of schools whose term of office shall be four years, unless sooner removed by a four-fifths vote. Superintendent of schools.

SEC. 6. In any investigation by the board into matters connected with the school department, the president of the board of education is vested with the power of issuing subpoenas, and the board can compel the attendance of witnesses and the production of documentary and other evidence. The president and each member of the board is vested with the power of administering oaths or affirmations in all matters pertaining to the school department. Investigations.

Qualifica-
tions of
teachers.

SEC. 7. No teacher shall be elected to a position in any of the public schools of the city unless he or she be a properly accredited graduate of either a California State Normal school, the University of California, the Leland Stanford Junior University, or of an institution of equal rank, or who has had at least two years' successful teaching experience.

Chapter II—Superintendent of Schools.

Superin-
tendent,
duties of.

SEC. 8. It shall be the duty of the superintendent to give his full time to the duties of his office as the same may be prescribed by law, by this charter and by the board of education. His compensation shall be fixed by the board of education. He shall be ex-officio secretary and shall act as bookkeeper for the board without pay as such. He shall keep his books and accounts in conformity with the requirements of the auditor.

Secretary.

Assistant
secretary.

SEC. 9. There shall be appointed by the board an assistant secretary, at a salary to be fixed by the board. The secretary and assistant secretary shall each have power to administer oaths and affirmations in matters connected with the school department.

Shall
report to
board.

SEC. 10. The superintendent shall attend all sessions of the board and shall report to the board upon such subjects and in such detail as may be required by the board, or as he may deem for the interest of the department.

Chapter III—School Finances.

School tax
estimate
for.

SEC. 11. It shall be the duty of the board of education to fix and determine annually the amount of school tax necessary for the establishment, support and maintenance of the public schools of the city and for the carrying into effect all provisions of law regarding the same; and in pursuance of this provision the board shall on or before the second Monday in May of each year, submit in writing to the council an estimate of the whole amount of money to be received from the state and county, and an itemized estimate of the amount to be required from the city for the above mentioned purposes; and the amount so found to be required from the city shall, by the council, be added to the amounts otherwise provided by them to be assessed and collected for city purposes, and when collected the proceeds thereof shall immediately be paid into the school fund of the city, to be drawn out only on order of the board of education as herein provided;

High
school tax.

Provided that such annual tax shall not, for high school purposes, exceed the sum of fifteen cents, and for all other schools, the sum of twenty cents, on each one hundred dollars of the assessed valuation of the real and personal property within the city, to be exclusive of all taxes levied for the purpose of paying principal and interest on bonded indebtedness.

Claims
against
depart-
ment.

SEC. 12. All claims against the school department which shall have been allowed by the board of education in the

manner and form prescribed by it, this charter and the auditor, shall be paid by the treasurer upon warrants ordered drawn by the board of education, signed by its president and secretary and by the auditor, from the proper designated fund of school moneys;

Provided that the board of education shall not have power to create any debts or liabilities in any one year to exceed the available funds of that year, under the control of the board of education and justly applicable for school purposes for such year;

Provided further, that in case of disaster from fire, water, riot, earthquake or public enemy the board of education may, with the approval of the mayor and council, incur extraordinary expenses for the repair, construction and furnishing of school houses, in excess of the annual limit provided by this charter, and the council may, by ordinance, cause to be transferred to the school fund from the general fund sufficient moneys to pay the same.

Emer-
gency
expenses.

SEC. 13. The board shall cause to be prepared in July of each year, a detailed tabulated statement showing the income and expenditures of the department, and such other information as to employés, attendance, etc., and general condition of the schools as will fully show the work accomplished by the department during the previous year.

Annual
statement.

Chapter IV—Teachers' Annuity Fund.

SEC. 14. The provisions of this chapter shall take effect upon and after a referendary vote has been taken thereon, and the majority of the qualified electors voting thereon have voted therefor.

Referen-
dum.

SEC. 15. It shall be the duty of the council to provide annually for the levy and collection of a tax of five mills on each one hundred dollars of taxable property in the city. The proceeds of this tax shall be set apart in the city treasury in a fund to be known as the Teachers' Annuity Fund, and said fund shall be drawn upon for no purpose other than the purposes in this chapter designated.

Teachers'
annuity
fund.

SEC. 16. Subject to the provisions of this charter the board of education shall have control of the disbursement of this fund and said board is empowered to receive donations and bequests to said fund, which donations and bequests, if in money, it shall immediately on receipt thereof, deposit in the city treasury to the credit of the fund.

Donations.

SEC. 17. Any teacher who shall have served thirty years in the public schools of this city shall be entitled to retire from service and to become an annuitant under the provisions of this chapter. Any teacher who shall have served twenty-five years in the public schools of this city, and who shall, by the board of education, have been discharged from service by reason of incapacity shall be entitled to become an annuitant.

Who en-
titled to
annuity.

Amount of annuity. SEC. 18. Any person who, under the provisions of this chapter, shall be entitled to become an annuitant, shall be entitled to receive, subject to the provisions hereinafter set forth, such sum per month as shall equal fifty per cent. of the average salary paid to said teacher during the last ten years of his or her term of service in the public schools of the City of Alameda.

Payments. SEC. 19. Whenever there shall be in the teachers' annuity fund a sum sufficient therefor the board of education shall cause to be drawn on said fund warrants in payment of annuities to all annuitants entitled to receive the same. In case there be not sufficient money with which to make one month's payment of all the annuities otherwise due and payable to said annuitants, then the board of education shall defer the drawing of the warrants aforesaid, until such time as there shall be in said fund sufficient money to pay the same.

Chapter V—Free Library.

Free library, management. SEC. 20. The Alameda Free Library shall be under the management of a board of five trustees, to be known as the board of library trustees, and who shall serve without compensation. They shall be appointed by the council, and shall hold office for the term of five years and until their successors have been appointed and qualified; *provided, however,* that the trustees first appointed shall at their first meeting so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, four and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

Organization. SEC. 21. The board shall organize within one week after the first appointment and annually thereafter, by electing one of its number president. It shall also elect a secretary, who shall hold office during the pleasure of the board.

Librarian. SEC. 22. The board shall appoint a librarian and such other employés as may be necessary, and fix their compensation and may remove them at their will.

Management of library. SEC. 23. The board shall have full charge, management and control of the library and of all the real and personal property thereto belonging, or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the gift, devise or bequest, or with this charter. Regular meetings shall be held once in each month, and special meetings may be held as the board may determine. A majority of its members shall constitute a quorum.

Powers of board. SEC. 24. The board shall have power:

Rules. One. To make and enforce such rules, regulations and by-laws as may be necessary for the administration, government and protection of the library and all the property thereto belonging or in its custody.

Two. To administer any trust declared or created for such library. Trusts.

Three. To purchase any and all real and personal property necessary for the purposes of the library, and to repair, sell, or otherwise dispose of personal property. Buy and sell property.

Four. To draw warrants, duly certified by the president and secretary on the library fund, to pay authorized expenditures, which warrants, when duly audited, the treasurer shall pay out of said fund; and generally to do and perform all acts necessary for the proper carrying into effect of the provisions of this charter with reference to the library. Expenditures.

Five. To establish, maintain or discontinue such branches of the library as the board may deem best. Branch libraries.

SEC. 25. The board shall, annually, on or before the first Monday of July of each year, make a report to the mayor and council giving a full statement of the condition of its trust, and a statistical résumé of all matters pertaining to the library property and management occurring during the previous year, and shall, on or before the second Monday of May in each year, recommend such tax levy or other matter pertaining to the library as to them may seem necessary or of interest. Report to mayor.

SEC. 26. There shall be levied by the mayor and council, and collected as in other cases, annually, a tax not exceeding one mill on the dollar of the assessed value of taxable property in the City of Alameda for the purposes of the library. Library tax

SEC. 27. All money and revenue derived for the use of the library, from whatever source, shall be paid into the city treasury and be known as the library fund, which shall be kept separate from all other funds and which shall be drawn upon and used only for the purposes of the library as herein authorized. Library fund.

ARTICLE VII.

POLICE AND FIRE.

SEC. 1. The police and fire departments shall be under the management of a board of three commissioners to be appointed by the mayor from among the qualified electors of the city, subject to approval by the council as elsewhere provided. They shall hold office for the term of four years, except the first board appointed. They shall be the head of the police and fire departments. Police and fire commissioners

SEC. 2. The commissioners shall enter upon their duties within thirty days after their appointment, and they shall organize as a board by electing one of their number president. At the first meeting of the board the commissioners shall, by lot, so classify themselves that one of their number shall hold office for a term of two years, one for a term of three years and one for a term of four years. The board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employes; and may require bonds from its subordinates for the faithful performance of their duties. Term of offic.

- Meetings.** SEC. 3. The board shall hold regular meetings at least one a month and special meetings at such other times as it may appoint, or of which the president may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon the records of the board, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks in the office of the board. The meetings of the board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.
- Record of meetings.** SEC. 4. The board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length and the record shall be approved by the board.
- Appointments.** SEC. 5. The officers, members and employés of the police and fire departments shall be appointed by the board; but no appointment or removal shall be made by the board for political purposes, nor shall any removal be made except for cause, established to the satisfaction of the board, after due investigation or trial. The salaries of officers, clerks, and employés of the board except so far as the same are otherwise designated in this charter, shall be fixed from time to time by the council in its discretion on recommendation of the board.
- Powers.** SEC. 6. The board shall have power:
- Prescribe duties.** One. To prescribe the qualifications, duties, badges of office and uniforms of officers, members and employés of said departments.
- Rules.** Two. To prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for their violation.
- Complaints.** Three. To hear and determine all complaints of misconduct, inefficiency, violation of the rules and regulations, or other charge against any officer, member or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline and efficiency of said departments.
- Special policemen.** Four. To appoint and remove at their discretion special policemen, who shall be under the supervision and control of the chief of police; *provided, however,* that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the mayor.
- Regulations.** Five. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said board by this charter, or by any ordinance passed pursuant thereto, or by the constitution and laws of this state, and in general to manage and control said departments.
- Property.** SEC. 7. The board shall have the custody and control of all property, buildings and equipments now or hereafter used by or belonging to said police and fire departments.

SEC. 8. The board shall annually report to the council an estimate of the amount of money that will be required to pay all salaries and expenses of the police department and of the fire department for the ensuing year, specifying in detail the proper items for which the same will be required.

Estimates
for
expenses.

SEC. 9. The board shall make semi-annual reports to the council of its acts and expenditures, and also of the condition of said departments.

Reports.

SEC. 10. The board shall determine and report to the council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional houses, apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required; but the action of the board with respect to the necessity of these matters shall be only advisory to the council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the council. All contracts let and work ordered for said departments shall be let and ordered by the council; and the board shall see that the same are faithfully carried out and performed; *provided, however*, that the board shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of one hundred and fifty dollars the bills for such urgent repairs to be ordered paid by the council.

Cisterns
and
hydrants.

SEC. 11. First. The police department shall consist of a chief of police, who shall be the executive head of the police department, and such sergeants, detectives and patrolmen as may be necessary, not exceeding in the aggregate, on the regular force, one to every one thousand inhabitants of the city.

Officers
of department.

Second. The employés of the fire department shall consist of a chief engineer, who shall be the executive head of the fire department, and such number of assistant engineers, fire wardens, and other employés as the council may, by ordinance, authorize on recommendation of the board.

Employés.

SEC. 12. Any officer, member or employé of the police or fire departments, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member or employé, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member or employé; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and disbursed under such regulations as the board may adopt, for the benefit of the sick and disabled members and the families of deceased members of the department of which the offender may be an officer, member or employé. The board shall render to the council a verified itemized account of all moneys so received and disbursed during the preceding year.

Neglect of
duty.

Sick fund.

Trials. SEC. 13. In all investigations or trials conducted by said board, the president thereof shall have the power to issue subpoenas for and compel the attendance of witnesses and the production of papers before it. Such subpoenas shall be served by any policeman. Any member of the board may administer oaths and affirmations in the conduct of said investigations.

Present officers retained. SEC. 14. The officers and employes of both the police and fire departments, employed by the city at the time of the adoption of this charter, shall be retained in their several positions, unless removed for cause as hereinbefore provided.

ARTICLE VIII.

HEALTH.

Board of health. SEC. 1. There shall be a health department under the management of a board of health. Said board of health shall consist of five members who shall be appointed by the council, and of whom four shall be physicians, duly licensed under the laws of the State of California. One may be appointed from among the councilmen.

Terms. The members of the board, as such shall serve without compensation. They shall hold office for the term of five years and until their successors are appointed and qualified; *provided*, that the members of the board first appointed shall at their first meeting so classify themselves that they shall go out of office at the expiration of one, two, three, four and five years respectively.

Organization. SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected.

Meetings. SEC. 3. Regular meetings of the board of health shall be held at least once each month, and special meetings when called by the president or by any two members, and all meetings shall be public.

Supervision. SEC. 4. Said board of health shall have supervision of all matters appertaining to the sanitary condition of the city and the public institutions thereof, and full powers are hereby given to said board over all questions of foul drainage, and the disinfection and sanitary cleaning of streets, alleys, cellars, cesspools, sewers, or nuisances of any description, and of places within the city limits so situated as to receive and retain unhealthy deposits.

Mortuary records. SEC. 5. The board of health shall exercise a general supervision over and be the custodian of all the death records now belonging to the city, and they shall cause to be kept in books prepared for the purpose, complete records of all deaths and the causes thereof, and shall also keep a record of all births occurring in the city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable, vital and mortality statistics in the city, and to prevent the spread of

contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and by the consent of the council may provide and maintain ambulances and may establish a pest-house and provide the necessary attendants and supplies therefor.

SEC. 6. The council may, by ordinance or otherwise, make and enforce such orders and regulations as the board of health may from time to time recommend; and all expenses necessarily incurred by the board of health in carrying out the provisions of such orders and regulations shall be provided for by the council. Enforce orders.

SEC. 7. The sum in the annual budget for the city tax levy apportioned by the council for the use of the health department shall be deposited in the city treasury as a fund to be known as the health department fund. Said fund shall be under the exclusive control of the board of health, subject to such restrictions as are provided in Article III, Chapter II of this charter. Department fund.

SEC. 8. The board of health, within two weeks from the time of its organization, shall elect a city physician, who shall also act as health officer and secretary of the board of health. He shall receive such compensation for all his services as may be fixed by the board of health. He shall not be a member of the board of health. He shall be an elector of the city and a duly licensed physician under the laws of the State of California, and actually engaged in the practice of his profession therein. He shall hold his office during the pleasure of the board and must see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health, as well as all the records appertaining thereto. He shall have the powers of a police officer, and shall make an extended annual report to the board of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper. City physician.

SEC. 9. The city physician shall attend, when called upon, the indigent sick or wounded in the city, and shall have charge of any receiving hospital or dispensary established for the benefit of emergency cases and the sick poor, and when deemed necessary by the board of health, he may employ nurses to assist him in the care of the sick or wounded. Shall attend indigent sick.

SEC. 10. The city physician, as health officer, shall visit, once in each quarter, all public buildings and school houses in the city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition. Visit public buildings.

SEC. 11. The city physician, as health officer, shall promptly report in writing to the city superintendent of schools the name and residence of every person sick with any infectious or contagious disease. Said city superintendent of schools, when so notified, must refuse admittance to the schools of any Infectious diseases.

member of a household one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, or from the health officer, that there is no longer any danger from infection or contagion.

Quarantine.

SEC. 12. When a case of infectious or contagious disease is reported to the city physician, he may visit the premises where the person is, and, when satisfied that said disease exists, he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the said disease on said premises.

Smallpox.

SEC. 13. The city physician may cause to be removed to a hospital any person in the city affected with smallpox, and may, with the consent of the board of health, cause to be removed to a hospital any person affected with any infectious disease. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pest-house, the health officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

Free vaccination.

SEC. 14. The city physician shall vaccinate, free of charge, all poor persons applying to him.

Food inspector.

SEC. 15. Within two weeks from the time of its organization, the board of health shall appoint a veterinarian and food inspector, and may from time to time appoint additional food inspectors, whose duties shall be prescribed by the board and who shall hold office during the pleasure of the board, and shall receive such compensation as may from time to time be fixed by the board. The veterinarian shall be duly licensed under the laws of the State of California.

Sanitary inspector.

SEC. 16. The board of health within two weeks after its organization shall appoint a sanitary inspector, who shall be a skilled and practical plumber, an elector of the city and a resident therein for not less than one year. His duties shall be prescribed by the board of health. He shall be clothed with the powers of a police officer, and hold his office during the pleasure of the board of health. His salary shall be fixed by the board of health.

Oaths, by whom administered.

SEC. 17. Every member of the board of health and the health officer may administer oaths on matters connected with the health department.

ARTICLE IX.

PUBLIC UTILITIES.

Chapter I—Department of Electricity.

Board of electricity.

SEC. 1. There shall be a Department of Electricity which shall be under the management and control of a board of three commissioners, to be known as the board of electricity. They shall receive no compensation. They shall be appointed by the mayor, subject to the approval of the council as elsewhere

provided, and shall hold office for three years, and until their successors are appointed and qualified;

Provided, however, that the members first appointed shall Terms. at their first meeting so classify themselves by lot that they shall go out of office in one, two and three years, respectively, after their appointment. They shall be electors of the city. They shall have charge of the construction and maintenance of the electric light and power works, now owned by the city, of the fire alarm and police telegraph and telephone systems and of such telegraph and telephone systems as the city now owns or may hereafter own or control. They shall organize within one week after the first appointment, and annually thereafter, by electing one of their number chairman, whose term of office shall be one year and until his successor has been elected. The city clerk shall act as secretary of the board and shall keep the minutes and records thereof.

SEC. 2. The board of electricity shall hold regular meetings Meetings. at least once in each month, and at such other times as it may determine. Special meetings may be called at any time by any member, due notice in writing being given to the other members. Its meetings shall be open to the public.

SEC. 3. In every instance when a power is exercised by the board of electricity under this charter, the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except as otherwise provided herein. Ayes and noes.

SEC. 4. The board of electricity shall cause to be kept a proper and comprehensive system of accounts, in such form as shall be approved by the auditor, showing in detail the receipts from all sources and showing in segregation the expenditures for running expenses, betterments and purchase of new machinery. Accounts.

SEC. 5. Subject to the restrictions elsewhere in this charter expressed, the board of electricity shall have power: Powers of board.

One: To manage and control the property of the city appertaining to the electric department; and to superintend the construction, maintenance and improvement of the electric plant, the management, sale and distribution of power, light and heat and the collection of rates for the same. Manage electric plant.

Two. To purchase all machinery, materials, fuel and supplies necessary for the maintenance and efficient operation of the department. Purchase machinery.

Three: To employ, pay, transfer and dismiss such employés of the electric department and at such times as in their judgment may be necessary; to fix, alter and improve their salaries and compensation, to withhold for good and sufficient cause the whole or any part of the salaries or compensation of any person employed by them; to make, establish and enforce all necessary regulations for the efficiency of the department. Employ help.

SEC. 6. The board of electricity shall present to the council annually in each year a detailed report for the year ending June 30, which shall show the amount of money received from all sources, and the balance on hand. The report shall show in segregation the amounts expended for salaries and other Financial reports.

running expenses, betterments, purchase of machinery and any other subdivision required by the auditor. It shall also give a complete inventory of the property under the control of the board, together with an itemized statement of the cost, condition and present value thereof; with such other information and suggestions as the board may deem of general interest. The board of electricity shall also make to the council regular monthly reports of the receipts and expenditures for the preceding month, segregating the items of expenditure as above provided.

Estimate
of income
and
expenses.

SEC. 7. On or before the second Monday in May in each year the board of electricity shall submit to the council an estimate of the income which may be expected to be derived during the ensuing fiscal year from the sale of electric current, and an estimate of the amount which in their judgment will be needed from the city for betterments, repairs and running expenses, including the expense of lighting the public streets and buildings of the city, the cost of the current for the fire alarm system and such other public use as they may estimate will be required and recommend a rate to be charged.

Electric
fund.

SEC. 8. All moneys apportioned by the council for use of the department of electricity, together with all moneys collected by the board of electricity, shall be set apart in a fund to be known as the electric fund, which fund shall be drawn on only by order of the board of electricity except as otherwise provided in this charter.

Liabilities.

SEC. 9. The board of electricity shall not have power to create any debts or liabilities in any one year to exceed the actual revenue or available means in the city treasury under their control; *provided*, that in case of disaster, fire, riot, earthquake or public enemy the board may, with the approval of the mayor and council, incur extraordinary expenditures; and the council may by ordinance cause to be transferred to the electric fund from the general fund sufficient moneys to pay the same.

Deposits
with
treasurer.

SEC. 10. All moneys collected by the board of electricity from any source shall be by them deposited with the city treasurer or city depository on the same day on which they are collected, and in such manner as shall be prescribed by the auditor.

Rates.

SEC. 11. The rates to be charged for electric light, power and heat shall be fixed annually by the council.

How fund
shall
be used.

SEC. 12. No part of the money in said electric light fund shall be used for any purpose other than the following:

One. The council at the time of fixing the general tax levy shall apportion from said fund an amount sufficient to meet all payments coming due, as principal or interest, on all outstanding electric light works bonds, before the time of fixing the next general tax levy, and the money so apportioned shall be used to meet such payments and for no other purpose.

Two. For the necessary expenses of conducting the electric department, operating the works and making the repairs,

extensions and betterments necessary to meet the requirements of the city and other consumers.

SEC. 13. Every demand on the electric fund shall be signed by two members of the board and attested by the signature of their secretary, giving the date of its approval. Demands.

SEC. 14. All contracts for supplies, materials, machinery or construction work where the amount to be expended exceeds five hundred dollars shall be advertised and awarded to the highest bidder, except that the board may determine to reject all bids. Contracts.

SEC. 15. Whenever the City of Alameda shall acquire any public utility under the provisions of this charter, the mayor shall provide for the control and operation of said utility by the appointment of a board of three commissioners, and their duties and powers shall be prescribed by ordinance on lines similar to those provided in this charter for the government and control of the board of electricity. Other public utilities.

ARTICLE X.

ALCOHOLIC LIQUORS.

SEC. 1. It shall be unlawful for any person, firm or corporation to establish, open, keep, maintain or carry on within the City of Alameda any saloon, bar, store, dramshop, tippling place, stand or any place where spirituous, malt or fermented liquors or wines or any admixture thereof, are sold or given away, or for any person, firm or corporation (except as hereinafter provided) to sell or barter or give away within the limits of the city any spirituous, malt or fermented liquors or wines or any admixture thereof, without having permission pursuant to an ordinance of the council or people, as provided in this article. The provisions of this article shall not apply to the sale or dispensing of the said liquors, or any of them, by a regularly and duly licensed pharmacist, in the course of his business as a druggist, for medicinal purposes, at his drug store, when the same are sold or dispensed upon a prescription of a duly and regularly licensed physician. Violation of any of the provisions of this section shall constitute a misdemeanor. Sale of liquors must be licensed.

Pharmacists.

*SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for, and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or any admixture thereof. License taxes.

SEC. 3. No license provided for in this article shall be granted for a sum less than five hundred dollars per annum, payable quarterly in advance. Amount of license tax.

SEC. 4. No remission of any such license shall be made during the period for which it is granted, and the bonds required to be given by keepers or proprietors of saloons or drinking houses shall not in any case be fixed at less than one thousand dollars. Bonds.

*Nullified by adoption of Alternative Proposition No. 1 (see page 1101, *post*).

Assign-
ment of
licenses.

SEC. 5. No license issued under the provisions of this article shall be assignable or transferable without the consent of the council endorsed thereon, such consent being evinced by resolution, and only to such person, firm or corporation as may have filed a bond as heretofore provided, and complied in all other respects with such preliminary requirements as are provided by law;

Provided, that in case any licensee is charged with violation of the provisions of this article or of any ordinance imposing restrictions on his conduct as such licensee, which charge or charges result in an investigation by the council or by any court or other body authorized by law to conduct such investigation, then during such investigation or during a trial upon such charge or charges, and also after conviction, if the same shall follow, no transfer of said license shall be granted.

Revoca-
tion of
license.

SEC. 6. Upon sufficient cause being shown or proof furnished to the council that any person, firm or corporation holding a license under the provisions of this article has violated any of the provisions thereof, or of any ordinance of the city relative to the sale of liquors, the council shall, upon notice being given to the person, firm or corporation so licensed, revoke such permission, cancel the license and declare the bond forfeited. Any license shall be revoked ipso facto by judgment of conviction of the holder thereof of a felony or of the violation of any of the provisions of any ordinance by this article authorized.

License
must be
posted.

SEC. 7. No license shall be issued entitling the licensee to carry on the business licensed at more than one place. Each licensee shall at all times keep his license posted in a conspicuous place in his saloon or place of making sales thereunder, so that the license shall at all times be easy to be read by any person entering said place.

Wholesale
dealers.

SEC. 8. No license shall be required for the purpose of selling liquors at wholesale to any retail dealer in this city who holds a license under the provisions of this article.

ARTICLE XI.

Chapter I—Elections.

Elections.

SEC. 1. Elections to be held in the City of Alameda for the purpose of electing officers thereof, and for all other purposes, shall be of two kinds, general municipal elections and special municipal elections.

General.

SEC. 2. General municipal elections shall be held on the second Monday in April, in each odd numbered year, and shall be for the purpose of electing all officers made elective by the terms of this charter, and for other purposes in this charter provided. The first election under this charter shall be held on the second Monday of April, 1907.

Special.

SEC. 3. Special municipal elections for all such purposes shall be held on such days as shall be fixed by the council there-

for, and also on such days as are elsewhere provided for in this charter.

SEC. 4. All general and special municipal elections shall, in all respects as nearly as may be, be held and conducted in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time, and the council shall make all necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the result of all elections by the council shall be in accordance with the provisions of the state laws and of this charter.

To be conducted under state laws.

SEC. 5. The qualifications of an elector at any election held in the city in pursuance of this charter shall be the same as those prescribed by the laws of this state for electors at any general election in force at the time of such election.

Qualifications of electors.

SEC. 6. At the first election held under this charter a full council shall be elected, who shall hold office as elsewhere in this charter provided, and until their successors are elected and qualified. Members of the council and other elective officers shall take office at eight o'clock P. M. on the third Monday in April, next after their election.

First election.

Chapter II—Mode of Nomination and Election.

SEC. 7. The mode of nomination and election of all officers except councilmen nominated from wards, to be voted for at any general municipal election shall be as follows:

Nomination and election of officers.

Not later than thirty days and not earlier than sixty days before any general municipal election, electors of the city may, by written petition, present names of candidates for election. The signatures to the said petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number when such designation by street and number can be given. One of the signers of each paper shall swear that the statements therein made are true, and that each signature to said paper is a genuine signature of the person whose name purports to be thereto subscribed.

Petition.

Each candidate shall be proposed by not fewer than fifty electors of the city. No more than one candidate may be named in any one petition, and no person may sign more than one petition for a candidate for any one office.

SEC. 8. Such petition shall be presented to the city clerk, and if accompanied by the written acceptance of the nominee, shall be filed by the city clerk. He shall immediately examine the great register and therefrom and from certificates of registration shall ascertain whether or not such petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall within five days, attach his certificate to said petition, showing the result of his examination.

Examination by city clerk.

If by the clerk's certificate it shall appear that the petition has not been signed by the requisite number of electors as herein provided, it may be amended within five days from the

Amended petition.

date of said certificate by the further addition of names. The clerk shall, within five days after such amendment, make like examination of said amended petition and shall certify to the result of his examination.

List of candidates.

SEC. 9. If the petition shall be found to be sufficiently signed as herein provided the clerk shall enter the name of the candidate so nominated in a list, and shall, not later than ten days prior to the election, certify said list as being a list of candidates nominated as required by this section, and shall cause said certificate, together with said list of names and the offices for which the candidates were respectively nominated, to be published at least five successive days prior to the election, in two daily newspapers published in the city.

Ballots.

SEC. 10. The city clerk shall cause ballots to be printed, numbered and bound, which ballots shall contain said list of names and of the respective offices as published; and the following caption: "Municipal Election, City of Alameda, (inserting date thereof) To vote, stamp or write a cross opposite the name of the candidate voted for or the measure voted on."

Arrangement of ballot.

The names of the candidates shall be arranged on such ballots in the following order: "For Mayor, vote for one"; "For Auditor and Assessor, vote for one"; "For Treasurer and Tax Collector, vote for one"; "For Police Judge, vote for one," following with the name of any other office to be filled at that election except that of councilman, the names of the candidates for councilmen to be the last on the ballot; *provided* that at the first election held under the provisions of this charter the tickets shall read, as regards councilmen to be nominated at large, "Vote for two."

The names of the candidates for each office shall be arranged in alphabetical order. There shall be nothing on any ballot indicative of the source of nomination or of support of any candidate.

Nomination of councilmen.

SEC. 11. The mode of nomination and election of councilmen nominated from wards shall be as is heretofore provided in this article with the exception that the signatures to the petitions for each such councilman shall be limited to those of electors from the ward in which the councilman resides, and each petition shall be signed by not less than twenty electors. The names of councilmen nominated from wards shall be preceded by these words: "For Councilman from — Ward" (naming the ward) "vote for one."

Blank spaces.

SEC. 12. Each ballot shall contain blank spaces underneath the printed names of offices, wherein a voter may write the name of any candidate for whom he may wish to vote.

Paper.

SEC. 13. The ballots shall be printed on paper provided by the secretary of state, which paper shall be such as is provided for use at state elections, and the form provided for state elections shall be adhered to as closely as practicable, and still conform to the provisions of this chapter.

How to vote.

SEC. 14. Each elector may vote for as many of said candidates as there are offices to be filled, by writing or stamping

a cross in the square opposite the name of the candidate. The candidates in number equal to the number to be chosen, who have the highest number of votes, shall be declared elected.

SEC. 15. Any candidate nominated to fill a vacancy and to serve the remainder of an unexpired term, may be nominated as above provided, but such candidate shall be designated on the ballot as a candidate to fill a vacancy, and the term of the vacancy shall be stated. To fill vacancies.

SEC. 16. If any candidate who shall have received the highest number of votes shall prove to be disqualified, then the qualified candidate who shall receive the number of votes next highest shall be entitled to the office. Who entitled to election.

*Chapter III.**

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof, who shall be subject to removal as provided by this charter and by general law. Term of office.

ARTICLE XII.

MISCELLANEOUS.

SEC. 1. Whenever in this charter the word "city" occurs, it means the City of Alameda, and every department, board and officer, whenever either one of them is mentioned in this charter, means a department, board, or officer, as the case may be, of the City of Alameda. Interpretation of words.

SEC. 2. The fiscal year shall begin with the first day of July, and end with the last day of June of each year. Fiscal year.

SEC. 3. All officers mentioned in this charter, elected or appointed, at the time of their election or appointment, must be citizens of the United States and residents of the city, and must continue to so reside in the city during their respective terms of office or employment. Qualifications of officers.

SEC. 4. Compensation of city officers shall not be increased or diminished during the terms of their respective offices. Compensation.

SEC. 5. The restriction in this article in regard to citizenship and residence shall not apply to school teachers, except that immediately after their appointment they shall become and shall continue to be residents of this city. School teachers.

SEC. 6. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively, without the permission of the council, or shall fail to qualify by taking the oath of office and filing his official bond whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of any felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The mayor shall have the power to appoint suitable persons to fill vacancies in any office, except as this charter otherwise provides. The appointee Absence from city.

*Nullified by adoption of Alternative Proposition No. 2 (see page 1101, post).

shall hold for the unexpired term and until the election or appointment and qualification of his successor.

Street
improve-
ments.

SEC. 7. The improvement, widening and opening of streets, the planting of trees, and all other matters not specified in this charter, shall be done, and assessments therefor levied, in conformity with and under the authority conferred by general law.

Count of
public
moneys.

SEC. 8. The mayor, the auditor and the city clerk shall together count the money in the treasury at least once in three months, and see if the amount on hand tallies with the amount that should be in said treasury shown by the proper books of the city, and they shall make a written report thereof to the council.

Records
to be
delivered
to suc-
cessors in
office.

SEC. 9. All officers and boards shall turn over and deliver to their respective successors designated in this charter, all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control.

Contracts,
officers
interested.

SEC. 10. No member of the council, or of any board, and no officer or employé 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.

Purity of
elections.

SEC. 11. No officer of the city shall give or promise to give to any person, any portion of his compensation, or any money or any valuable thing in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

Same.

SEC. 12. No officer or employé shall accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé, or any one under his charge, or from any candidate or applicant for any position as employé or subordinate under him.

Forfeiture
of office.

SEC. 13. A violation of any provision of the three sections last preceding shall cause a forfeiture of his office, and he shall be forever disbarred and disqualified from being elected, appointed or employed in the service of the city.

Unlawful
payments.

SEC. 14. Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, ordinance or this charter, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid, and shall forfeit the office which he holds and be forever disbarred and disqualified from holding any position in the service of the city.

Records
open
to public
inspection.

SEC. 15. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities, or by order of the mayor.

Police
records.

SEC. 16. Copies or other extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying to such certified copy or extract.

Copies of records.

SEC. 17. Except where otherwise provided for by law or this charter, all public offices shall be kept open for business during such hours as may be provided by ordinance.

Business hours.

SEC. 18. Every officer authorized by law or ordinance to allow, audit or certify demands upon the treasury, or to make any official investigation, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing relative thereto.

Oaths, who may administer.

SEC. 19. Unless otherwise provided by law or this charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employé, shall have the right to remove any person so appointed. This right shall not apply to the removal of appointees on the several boards or commissions, which boards or commissions are, by this charter, vested with the management and conduct of branches or departments of the government of the city.

Deputies.

SEC. 20. All ordinances, resolutions and regulations of the city in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

Ordinances continued in force.

SEC. 21. All officers of the city when this charter takes effect shall continue to hold and exercise their respective offices under and in accordance with the terms of this charter, until the election or appointment and qualification of their successors provided for herein.

Officers continued in office.

SEC. 22. The board of trustees of the present City of Alameda 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.

SEC. 23. The compensation of all paid officers, and employés of the city for whose compensation no provision has been made in this charter, shall be fixed by the council.

Salaries.

SEC. 24. It shall be the duty of every officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the mayor all facts and information within his possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employé as in the case of malfeasance in office.

Duty of officers to report violated contracts.

SEC. 25. All advertising required by the city may be published in a daily newspaper printed and published in this city, and which newspaper shall have been established at least one year immediately preceding the date of the contract for doing such advertising.

Advertising.

Favor-
itism to
bidders.

SEC. 26. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of different kinds of material or supplies than has been actually received, shall be guilty of malfeasance and shall be removed from office.

Unconsti-
tutional
parts of
charter.

SEC. 27. Should any part or parts, provision or provisions of this charter be illegal or unconstitutional, such illegality or unconstitutionality shall destroy and render null and void only the part or provisions so illegal and unconstitutional, and all the other parts and provisions of this charter shall be in force and effect, so far as may be, as though such illegal part or provision had not been contained herein.

When
charter
is to
take effect.

SEC. 28. For the purpose of holding and conducting the elections provided for by Section 6 of Article XI of this charter, this charter shall take effect from the time of the approval of the same by the legislature; and for all other purposes this charter shall take effect at 8 o'clock P. M. on the second Monday in April, 1907.

Amend-
ments.

SEC. 29. This charter may be amended in accordance with the provisions of the constitution of this state.

Alterna-
tive propo-
sitions
submitted
to electors.

WHEREAS, The City of Alameda, a city containing a population of more than ten thousand inhabitants, did on the 27th day of January, 1906, at a special election held under and in accordance with the provisions of Section 8, Article XI of the constitution of the State of California, elect a board of fifteen freeholders to prepare and propose a charter for said city,

Be it known that in pursuance of said provisions of the constitution and within a period of ninety days after such election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the said City of Alameda, and that in proposing and submitting such charter the said board of fifteen freeholders pursuant to said provision of the constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the proposed charter, two alternative propositions, hereinafter stated, and designated respectively as "Alternative Proposition No. 1," and "Alternative Proposition No. 2."

Said alternative propositions shall be submitted to the voters for their approval or rejection, and if one or both be approved by majority vote, shall, one or both, take the place

or places of two certain other provisions embodied in the foregoing charter.

The said Alternative Proposition No. 1 shall, if approved by majority vote, take the place of Section 2, Article X of the proposed charter; and the said Alternative Proposition No. 2 shall, if approved by majority vote, take the place of Chapter III, Article XI, of the proposed charter.

Said alternative propositions shall be submitted to the voters at the same election at which the charter shall be submitted, and upon the ballots shall be printed: "Shall Alternative Proposition No. 1, providing for limiting to twenty, the number of licenses which may be granted to retail liquor saloons take the place of Section 2, Article X?" and "Shall Alternative Proposition No. 2 providing for a mode of removal, by the electors of the city, of elected and appointed officers, said mode being known as the Recall, take the place of Chapter III, Article XI?"

ALTERNATIVE PROPOSITION No. 1.

Shall the following be substituted in place of Sec. 2, Article X?

SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for, and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or an admixture thereof; Limiting
number of
saloons.

Provided, that the council shall not have power to grant more than twenty of the licenses or permits specified in this article to be in force at any one time. The licenses granted shall be numbered consecutively from 1 to 20, and not more than one license bearing any one number from 1 to 20, inclusive, shall be valid at one time.

ALTERNATIVE PROPOSITION No. 2.

Shall the following chapter be substituted in place of Chapter III, Article XI?

Chapter III—Recall.

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof, who shall be subject to removal as provided by this charter and by general law. The recall.

SEC. 18. The removal by the electors of the city, of any elected officer, may be effected as follows: Removal of
officers
by electors.

A petition or petitions, signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote cast for mayor, at the last preceding general municipal election, demanding an election of a successor of said incumbent, shall be addressed to the council and filed with the city clerk.

Said petition shall contain a general statement of the grounds for which said removal is sought. The method of procedure after the filing of the petition shall be as provided in Sections 27 and 28, Chapter III of Article II.

Arrange-
ments for
election.

SEC. 19. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted, and the result thereof declared in all respects as are those of other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he request otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some person other than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who has received the highest number of votes shall fail to qualify within ten days after receiving notification of his election, the office shall be deemed vacant and shall be filled by appointment, as elsewhere provided; *provided* that no one who has been recalled under the provisions of this chapter shall be appointed to fill the vacancy. If the incumbent has received the highest number of votes, he shall continue in office.

Removal
election.

Removal
of ap-
pointive
officer.

SEC. 20. The holder of any appointive office may be removed by the electors of the city. The initial procedure to effect such removal shall be as is provided in Section 18 of this article.

Arrange-
ments for
election.

SEC. 21. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election and the same shall be conducted and the result thereof declared in all respects as are other city elections.

Resigna-
tions.

SEC. 22. If, prior to the publication by the council, as provided in Section 19 of this article, the office which is sought by the petition to vacate, has been legally vacated, by resignation or otherwise, further proceedings under the petition shall thereupon terminate, and the office shall be filled by appointment of a person other than the former incumbent, as elsewhere in this charter provided.

Referen-
dary vote.

SEC. 23. In case such office shall not have been vacated prior to publication by the council, as provided in Section 22 of this article, a referendary vote shall be had as provided in this article. The tickets to be voted at such referendum shall be as follows: "For the removal of _____," naming the officer the removal of whom is sought to be accomplished, and "Against the removal of _____," naming the officer whose removal is sought to be accomplished.

Tickets.

The ballots shall be provided with squares at the right hand of each voting proposition, in which the voter may make a cross, indicative of his vote.

SEC. 24 In case the result of the ballot shall show a majority vote against removal the incumbent shall continue to hold office. In case the result shall show a majority vote for removal, he shall, upon the announcement thereof, as elsewhere provided, cease to hold office, which shall thereupon by the council be declared to be vacated, and the vacancy shall thereupon be filled as is elsewhere provided for the filling of the said office.

Result of election.

IN WITNESS WHEREOF we have hereunto set our hands and seals at the City of Alameda, State of California, this 26th day of April, 1906.

Certificate of freeholders.

Done in duplicate.

- EDW'D K. TAYLOR (Seal)
President.
- GEO. A. MOORE (Seal)
Vice-President.
- BRAINARD C. BROWN (Seal)
- ISAAC N. CHAPMAN (Seal)
- P. W. BARTON (Seal)
- E. J. BEVAN (Seal)
- FREDERICK E. MASON (Seal)
- JULIUS MAGNIN (Seal)
- J. D. JAMISON (Seal)
- J. C. LINDERMAN (Seal)
- WILLIAM H. NOY (Seal)
- H. G. MEHRTENS (Seal)
- PAUL K. BUCKLEY (Seal)
- H. M. KEBBY (Seal)
- HENRY MICHAELS (Seal)

Board of Freeholders, City of Alameda, State of California

ATTEST:

BRAINARD C. BROWN Secretary.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA, }
CITY OF ALAMEDA. } SS.

I, Wm. J. Gorham, President of the board of trustees of the City of Alameda, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were on the 27th day of January, 1906, at a special municipal election held in said City of Alameda on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety days after said election as required by Section eight of Article eleven of the constitution of this state; that said proposed charter was then

Certificate of president of board of trustees.

Alternative propositions.

published in the Alameda Daily Argus and in the Daily Encinal which then were daily newspapers of general circulation in said city, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter as required by said Section eight, to wit: on the 18th day of July, 1906, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter and the alternative propositions submitted therewith; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole, excepting that Alternative Proposition No. 1 and Alternative Proposition No. 2 therein contained being each separately voted on were each ratified by a majority of such votes and were therefore chosen and substituted respectively for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said City of Alameda on the 6th day of August, 1906, and the result thereof declared as above set forth and that in all matters and things pertaining to said proposed charter the provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter 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 Alameda to be affixed this 31st day of December, 1906.

WM. J. GORHAM

President of the Board of Trustees of the City of Alameda, State of California.

Attest: J. W. GILLOGLY

[SEAL.] City Clerk of said City of Alameda.

AND WHEREAS, Said proposed charter with said two alternative propositions so ratified has been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section eight of Article eleven of the Constitution of the State of California.

Approval of legislature.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That said charter of the City of Alameda including said two alternative propositions as presented to, adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said City of Alameda.

CHAPTER 8.

Senate Concurrent Resolution No. 8.

[Adopted February 8, 1907.]

Resolved by the Senate, the Assembly concurring, That a committee of three from each house, be appointed by the President of the Senate and the Speaker of the House respectively; for the purpose of submitting a set of joint rules for both houses.

Committee
on joint
rules.

CHAPTER 9.

Assembly Concurrent Resolution No. 13. Approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22nd day of January, 1907.

[Adopted February 12, 1907.]

WHEREAS, the City of Santa Cruz, a municipal corporation of the County of Santa Cruz, State of California, now is and was at all the times herein referred to a city containing a population of more than thirty-five hundred inhabitants; and

Charter of
City of
Santa
Cruz.

WHEREAS, at a special municipal election duly held in said City on the 20th day of August, A. D. 1906, under and in accordance with the laws and with the provisions of Section Eight of Article Eleven of the Constitution of the said State of California, a Board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

Preamble.

WHEREAS, said Board of Freeholders did, in accordance with law, and within ninety days after said election, prepare and propose a charter for the government of the said City of Santa Cruz; and

WHEREAS, said Board of Freeholders did at the same time and place prepare and propose with said proposed charter the following three alternative propositions:

I. "The Mayor shall receive a salary of Six Hundred Dollars a year, payable monthly."

II. "Members of the City Council shall each receive a salary of Three Hundred Dollars a year, payable monthly."

III. "The Recall;" and

Alterna-
tive propo-
sitions.

WHEREAS, the said proposed charter and the said three alternative propositions were, on the 15th day of November, A. D. 1906, signed in duplicate by the members of said Board of Freeholders, and one copy thereof was, on the 16th day of November, A. D. 1906, duly returned and filed with the Mayor

Preamble. of said City of Santa Cruz, and the other copy thereof was duly returned and filed with and in the office of the County Recorder of said County of Santa Cruz; and

WHEREAS, such proposed charter and said three alternative propositions were thereafter published in the "Santa Cruz Morning Sentinel" and in the "Santa Cruz Surf," each being daily newspapers of general circulation in said City of Santa Cruz, for a period of twenty days and more, the first publication thereof having been made within twenty days after the completion of said proposed charter and said three alternative propositions; and

WHEREAS, said proposed charter and said three alternative propositions were within thirty days after the completion of said publication, submitted by the Mayor and Common Council of the said City of Santa Cruz to the qualified voters of said City at a special municipal election previously duly called and therein held on the 22nd day of January, 1907; and

WHEREAS, at said last mentioned special municipal election a majority of said qualified electors of said city voting at such special municipal election, voted for and in favor of the ratification of such proposed charter as proposed as a whole, and also voted in favor of the ratification of each of said three alternative propositions; and

WHEREAS, said Mayor and Common Council of the City of Santa Cruz, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at such special municipal election had voted for ratifying said proposed charter and had voted in favor of and for ratifying each of said three alternative propositions; and

WHEREAS, the same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section Eight of Article Eleven of the Constitution of the State of California; and

WHEREAS, said proposed charter and said three alternative propositions are in the words and figures following, to wit:

CHARTER FOR THE CITY OF SANTA CRUZ.

ARTICLE I.

Corporate
name.

SECTION 1.—The municipal corporation now existing, known as the City of Santa Cruz, shall continue to be a body corporate and politic under the name of the City of Santa Cruz, and with the following boundaries, to-wit:

Bound-
aries.

Beginning on the Bay of Monterey at a point on said Bay 410 feet West of the Section line between Sections nineteen (19) and twenty (20), T. 11. R. 1. W., M. D. M.; thence North-erly along the middle of Woods Lagoon and the creek in Arana Gulch to the boundary of the City Park, otherwise known as de Laveaga Heights; thence North 88 degrees East 140 feet to a station; thence South 50 $\frac{3}{4}$ degrees East 79.20 feet to a station

Bound-
aries.

on the West side of the County road; thence North $17\frac{1}{2}$ degrees East 14.50 feet to a station; thence North 2 degrees West 91 feet along the West side of said County road to a station; thence South $89\frac{3}{4}$ degrees West 396 feet to a station; thence North 32 degrees West 130 feet to a station; thence North 34 degrees West 150 feet to a station; thence North 36 degrees 45 minutes West 50 feet to a station; thence North 52 degrees West 150 feet to a station; thence North 62 degrees West 120 feet to a station; thence North 60 degrees 30 minutes West 260 feet to a station; thence North 1 degree 15 minutes East 185 feet to a station; thence North 30 degrees 15 minutes East 60 feet to a station; thence North 4 degrees East 50 feet to a station; thence North 36 degrees 30 minutes West 130 feet to a station; thence North 16 degrees 15 minutes West 280 feet to a station; thence North 2 degrees 45 minutes West 164 feet to a station; thence North 20 degrees 15 minutes West 283 feet to a station; thence North 9 degrees West 163 feet to a station; thence North 6 degrees 45 minutes West 180 feet to a station; thence North 4 degrees 45 minutes West 160 feet to a station; thence North 22 degrees East 130 feet to a station; thence North 7 degrees 38 minutes West 286 feet to a station; thence North 37 degrees West 113 feet to a station; thence North 130 feet to a station; thence North 46 degrees East 80 feet to a station; thence North 6 degrees 30 minutes West 159 feet to a station; thence North 2 degrees 30 minutes East 70 feet to a station; thence North 33 degrees 15 minutes West 86 feet to a station; thence North 0 degrees 30 minutes West 831 feet to the Northeast corner of the City Park, otherwise known as de Laveaga Heights; thence along the Northerly boundary of the said City Park South 89 degrees 33 minutes West 1112 feet to a station; thence North 5 degrees 35 minutes East 170 feet to a station; thence North 29 degrees East 145 feet to a station; thence North 29 degrees 45 minutes East 759 feet to a station; thence North 25 degrees 45 minutes East 217.80 feet to a station on the Westerly side of a right of way; thence along the Westerly side of the said right of way North 1 degree East 105 feet to a station; thence North 57 degrees 30 minutes West 142 feet to a station; thence South 89 degrees 20 minutes West 690.40 feet to a station; thence South 623 feet to a station; thence North 57 degrees 30 minutes West 278.50 feet to a station; thence South 562.30 feet to a station; thence West 1026.30 feet to a station; thence North 47 degrees 15 minutes West 130 feet to a station; thence along the Easterly, Northerly and Westerly boundaries of the City Park, otherwise known as de Laveaga Heights, $80\frac{1}{2}$ feet to the Northwesterly corner of the said City Park on the Easterly side of the Blackburn Gulch road; thence Southwesterly along the Easterly side of the said road to a point on the produced Southerly boundary line of the Rancho Carbonero; thence West along the said produced Southerly boundary line of the Rancho Carbonero to the Southeasterly corner of the said Rancho Carbonero; thence

Westerly along the boundary of the Rancho Carbonero and the Rancho Canada del Rincon to the East boundary of the Rancho Refugio; thence along the boundary of the Rancho Refugio South to the Pacific Ocean; thence due South into the said Pacific Ocean a distance of three marine miles; thence Easterly and following the courses of the indentations of the said Pacific Ocean and of the Bay of Monterey to a point due South of and three marine miles from a point on the said Bay of Monterey 410 feet West of the Section line between sections nineteen (19) and twenty (20), T. 11 R. 1 W., M. D. M.; thence due North to the point of beginning.

Wards.

SECTION 2.—The City of Santa Cruz shall be divided into seven wards, bounded as follows:

Boundary of the First Ward.

First ward.

That portion of the City beginning at the junction of the middle line of the San Lorenzo river with the middle line of Soquel Avenue; thence Easterly along the middle line of Soquel Avenue to the centre of Ocean street; thence northerly along the middle line of Ocean street to the middle of Branciforte Creek; thence Northeasterly along the middle line of Branciforte Creek and the Westerly fork thereof to the North boundary of the Municipal Corporation; thence Westerly along the North boundary of the Municipal Corporation to the middle of the San Lorenzo river; thence Southerly along the middle line of the San Lorenzo river to the place of beginning, shall be and constitute the FIRST WARD.

Boundary of the Second Ward.

Second ward.

That portion of the City beginning at the junction of the middle lines of Pacific Avenue and Locust street; thence Westerly along the middle line of Locust street to the center of Mission street; thence Southerly along the middle line of Mission street to the center of Walnut Avenue; thence Westerly along the middle line of Walnut Avenue to where it leaves the boundary line of the Rancho Tres Ojos de Agua; thence to and along the Southerly boundary of the said Rancho Northwesterly to the Northwest corner thereof; thence along the Southeasterly boundary of the lands formerly of Davis and Cowell, Northeasterly to the North boundary of the Municipal Corporation; thence along the said North boundary Easterly to the middle of the San Lorenzo river; thence Southerly along the middle line of the San Lorenzo river to the centre of Water street; thence Westerly along the middle line of Water street to the centre of Pacific Avenue; thence along the middle line of Pacific Avenue southerly to the place of beginning, shall be and constitute the SECOND WARD.

Boundary of the Third Ward.

Third ward.

That portion of the City beginning at the junction of the middle line of Water street with the middle line of the San Lorenzo river; thence Westerly along the middle line of

Water street to the centre of Pacific Avenue; thence Southerly along the middle line of Pacific Avenue to its junction with the middle line of Locust street; thence Westerly along the middle line of Locust street to the centre of Mission street; thence Southerly along the middle line of Mission to the centre of Laurel street; thence Easterly along the middle line of Laurel street and the middle line of Laurel street produced to the middle of the San Lorenzo river; thence Northerly along the middle line of the San Lorenzo river to the place of beginning, shall be and constitute the **THIRD WARD**.

Boundary of the Fourth Ward.

That portion of the City beginning at the junction of the middle lines of California and Laurel streets; thence Southerly along the middle line of California street to the centre of Bay street; thence Southeasterly along the middle line of Bay street to the centre of Pacific Avenue; thence Southerly along the middle line of Pacific Avenue to the Bay of Monterey; thence due South to the South boundary of the Municipal Corporation; thence Westerly along the South boundary of the said Corporation to the Southwest corner thereof; thence Northerly along the West boundary of the said Corporation to Northwest corner thereof; thence Easterly along the North boundary of said Corporation to the boundary line of the lands formerly of Davis and Cowell; thence along the Southeast boundary line of the lands formerly of Davis and Cowell, Southwesterly to the Northwest corner of the Rancho Tres Ojos de Agua; thence Southeasterly along the Southerly boundary line of the Rancho Tres Ojos de Agua to the centre of Walnut Avenue; thence Easterly along the middle line of Walnut Avenue to the centre of Mission street; thence along the middle line of Mission street Southerly to the centre of Laurel street; thence Easterly along the middle line of Laurel street to the place of beginning, shall be and constitute the **FOURTH WARD**.

Boundary of the Fifth Ward.

That portion of the City beginning at the junction of the middle lines of California and Laurel streets; thence Southerly along the middle line of California street to the centre of Bay street; thence Southeasterly along the middle line of Bay street to the centre of Pacific Avenue; thence Southerly along the middle line of Pacific Avenue to the Bay of Monterey; thence due South to the South boundary of the Municipal Corporation; thence Easterly along the said South boundary of the said Corporation to a point due South from the centre of the mouth of the San Lorenzo river, thence due North to the centre of the mouth of the San Lorenzo River; thence Northerly and Westerly along the middle of the San Lorenzo river to a point on the produced middle line of Laurel street; thence Westerly along the produced middle line and

the middle line of Laurel street to the place of beginning, shall be and constitute the FIFTH WARD.

Boundary of the Sixth Ward.

Sixth
ward.

That portion of the City beginning on the Bay of Monterey at the centre of the mouth of the San Lorenzo river; thence Northerly along the middle line of the San Lorenzo river to the centre of Soquel Avenue; thence Easterly along the middle line of Soquel Avenue to the centre of Ocean street; thence Southerly along the middle line of Ocean street to the centre of Broadway; thence Easterly along the middle line of Broadway and the middle line of Broadway produced to the Easterly boundary of the Municipal Corporation; thence Southwesterly along the Easterly boundary of the said corporation to a point on the Bay of Monterey 410 feet West of the section line between Sections nineteen (19) and twenty (20), T. 11. R. 1. W., M. D. M.; thence due South along the Easterly boundary of the said Corporation a distance of three marine miles to the Southeasterly corner thereof; thence Westerly along the Southerly boundary of said Corporation to a point due South from the centre of the mouth of the San Lorenzo river; thence due North to the place of beginning, shall be and constitute the SIXTH WARD.

Boundary of the Seventh Ward.

Seventh
ward.

That portion of the City beginning at the junction of the middle lines of Broadway and Ocean street; thence Easterly along the middle line of Broadway and the middle line of Broadway produced to the Easterly boundary of the Municipal Corporation; thence Northeasterly along the Easterly boundary of the said Corporation to the Northeasterly corner thereof; thence Westerly along the North boundary of the said Corporation to the middle of the West fork of the Branciforte Creek; thence along the middle line of the West Fork of Branciforte Creek and the middle line of Branciforte Creek, Southwesterly, to the centre of Ocean street; thence Southerly along the middle line of Ocean street to the place of beginning, shall be and constitute the SEVENTH WARD.

ARTICLE II.

GENERAL POWERS.

Powers of
city.

The City of Santa Cruz shall continue vested with all the property of every kind now belonging to it and shall have power:—

Succe-
sion.

First.—To have perpetual succession.

Seal.

Second.—To have and use a corporate seal and to alter it at pleasure.

Suits at
law.

Third.—To institute and maintain all actions or suits that may be necessary, and to defend whatever actions or suits that may be instituted or prosecuted against it.

Fourth.—To purchase, have, receive, take, hold, lease, use and enjoy property of every kind and description both within and without the limits of said City and control and dispose of the same for the common benefit. Hold property.

Fifth.—To receive bequests, devises and donations of property of every kind, either absolutely or in trust, for charitable or other purposes, and to do all acts necessary to carry out the purpose of such bequests, devises and donations and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations. Receive bequests.

Sixth.—To acquire, erect, construct and maintain public buildings, schools, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, workhouses, morgues, crematories, dispensaries, reading rooms, gymnasiums and charitable institutions, and to regulate the use of the same. Public buildings.

Seventh.—To acquire, improve and maintain public parks, cemeteries and sewer farms, to regulate the same and to exclude cemeteries from the limits of the City or any portion thereof, and to discontinue the same. Parks.

Eighth.—To acquire, construct and maintain water works, pipes, pipe lines, aqueducts and hydrants for supplying the City and its inhabitants with water, and the right to supply water to persons who live without the City limits. Water works.

Ninth.—To acquire, construct and maintain gas and electric works for the purpose of supplying the City and its inhabitants with light, heat and power. Lights.

Tenth.—To acquire, construct and maintain works for supplying the City and its inhabitants with telephonic and telegraphic service. Tele-phones.

Eleventh.—To acquire, construct and maintain, and operate street railways and other means of public conveyance, together with all rolling stock, power houses, equipment, appliances and apparatus necessary and proper in the operation, management and control of the same. Street railways.

Twelfth.—To acquire, have, hold, construct and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of all pipes, tubes, conduits, wires and electric or telegraphic apparatus in, along, over, under, and across all public streets and highways; to require all telegraph and electric wires to be placed underground, and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service. Pipes, conduits, etc.

Thirteenth.—To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights, and water works, within or without the corporate limits, necessary or convenient for the use of the City or its inhabitants. Eminent domain.

Fourteenth.—To construct and maintain sewers, drains, and all other works necessary for the disposition of sewage and to Sewers.

construct and maintain garbage crematories and other works for the disposition or destruction of garbage.

Streets.

Fifteenth.—To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, surface, resurface, and improve streets, alleys, sidewalks, crossings and other highways and public squares, parks and places and to make provisions for cleaning and sprinkling the same.

Grass and weeds.

Sixteenth.—To require the owners of real property in the City to remove grass, weeds and obstructions from the sidewalks in front of their property and, upon their refusal, failure or default to cause such work to be done and the cost thereof to be made a lien upon said property, or otherwise to be recovered from such owners.

Boulevards.

Seventeenth.—To set apart and dedicate as a boulevard or boulevards any street or streets or portions of a street or streets of the City.

Levy taxes.

Eighteenth.—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 principal or interest on any bonds of the said City or for school purposes, shall not exceed one dollar on each one hundred dollars' worth of taxable property in said City except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, extending and improving of streets, alleys, sidewalks, crossings, and other highways and public squares, parks and places, and the construction of sewers, and the laying of water, gas, and other pipes and conduits.

Bonded debt.

Nineteenth.—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 centum of the assessed value of all the real and personal property in the said City subject to assessment for taxation for municipal purposes, 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 one dollar 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 said City at the time said indebtedness is incurred, to meet the payments of the principal of such indebtedness.

Taxes exceeding limit, when permitted.

Twentieth.—To levy taxes exceeding the limit otherwise permitted in this Charter; *provided*, that before such levy can be made, the proposition to make such a levy shall have been first approved by two thirds of the qualified electors voting at a general or special City election at which said proposition is submitted by the City Council.

Twenty-first.—To license for the purpose of regulation and revenue, and to 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 said City and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades, callings, occupations and kinds of business in said City and to provide for the manner of enforcing the payment of such license taxes; and to regulate, restrain, suppress, or prohibit hawking and peddling and the carrying on of any laundry, livery and sale stable, cattle or horse corral, pigsty, planing mill, rolling mill, oil well, tank or refinery, foundry, brick yard, slaughter yard, butcher shop, and the keeping of bees, cattle, poultry, pigeons or swine within the limits or within any designated portion of said City, and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, and any and all obnoxious, offensive, immoral, indecent, or disreputable places or practices within said City, and to regulate or prohibit all saloons, bars, bar rooms, or other places where spirituous, malt, vinous, or other intoxicating liquors are sold or given away.

License taxes.

Twenty-second.—To license for the purpose of regulation and revenue, all and every kind of business not prohibited by law and transacted and carried on in said City, and all shows, exhibitions and lawful games carried on therein, and to fix the license tax upon the same, and to provide for the collection thereof, and to collect the same by civil action or otherwise.

Same.

Twenty-third.—To organize and maintain police and fire departments.

Police and fire departments.

Twenty-fourth.—To make, adopt and enforce all necessary rules and regulations for the prevention of fires, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed necessary or expedient to maintain the public peace and safety, protect property, promote the public morals and preserve the health of the inhabitants of the City.

Public safety.

Twenty-fifth.—To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitro-glycerine, fireworks and other explosive substances and materials.

Explosives.

Twenty-sixth.—To regulate the storage of oil, hay, straw and other inflammable material within the City.

Storage of oil, etc.

Twenty-seventh.—To regulate the use of oil, steam and gas engines and steam boilers within said City.

Steam boilers.

Twenty-eighth.—To prescribe fire limits and to determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the alteration or repair of existing buildings within said fire limits.

Fire limits

Twenty-ninth.—To regulate the size and construction of the entrances to, and exits from theaters, lecture rooms, churches and other public buildings and to prohibit the placing of seats

Exits from public buildings.

or other obstructions in the aisles and open spaces in such buildings.

Regulation of construction of buildings.

Thirtieth.—To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure 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, 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 and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bathrooms, water-closets, privies and vaults, the manner of construction and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner of construction 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 other structures that do not conform to such regulations.

Municipal property.

Thirty-first.—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

Indigent sick.

Thirty-second.—To provide for the care of the sick and helpless and to make regulations to prevent the spread of infectious and contagious diseases.

Prisoners.

Thirty-third.—To provide for the care, feeding and clothing of all persons imprisoned by municipal authority or sentenced to imprisonment by the Police Court, and to provide that all such persons shall work upon the streets or do other public work.

Nuisances.

Thirty-fourth.—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 and unwholesome business or other establishments within the City.

Same.

Thirty-fifth.—To declare that any business run or maintained contrary to the provisions of any ordinance of the City or of the general laws of the State, is a public nuisance, and to provide for the abatement or removal of such nuisance, and for this purpose to summarily take and hold any personal property thus used in violation of law.

Penal ordinances.

Thirty-sixth.—To make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; *provided*, however, that such fine shall not exceed the sum of five hundred (\$500.00) dollars and such imprisonment shall not exceed six months. Such misdemeanors

may be prosecuted by the authorities of the City in the name of the People of the State of California, or may be redressed by civil action at the option of said authorities.

Thirty-seventh.—To establish pounds and pound districts which shall be under the supervision and control of a pound-master, and to restrain the running at large of poultry, horses, mules, cattle, swine, sheep, goats and other animals, and to authorize the destruction or sale of the same. Pound districts.

Thirty-eighth.—To regulate the speed of railroad trains, engines, electric cars, automobiles and all other vehicles in the City, and to require railroad companies either to station flagmen, or place gates or viaducts at all such streets as it may deem necessary. Speed of trains.

Thirty-ninth.—To grant franchises. Franchises.

Fortieth.—To create offices other than those established by this Charter or by the general law, whenever the public convenience or necessity may require the same, and to prescribe the duties pertaining to the offices thus created, and to provide for the election, appointment and removal of such officers, and to fix their compensation. Create offices.

Forty-first.—To provide for holding municipal elections, give notice thereof, establish and alter election precincts, appoint all election officers and provide for their compensation. Elections.

Forty-second.—To do and perform whatsoever is necessary and convenient for its own government and for the benefit of its inhabitants, and to do any act which the City Council is by this Charter, or by any law now or hereafter in force authorized to do; *provided*, that the question of acquiring by lease, purchase or construction any plant or property for the purpose of supplying any public service or commodity, not previously supplied to its inhabitants by the City of Santa Cruz, shall be submitted to the voters of the City in the same manner as other propositions, at a general or special election, and such property or plant shall not be acquired unless a majority of the electors, voting at such election, shall vote in favor of such proposition. It is, however, expressly provided that nothing herein contained shall be construed as requiring an election to vote on a proposition to acquire any property or expend any money, for the purpose of extending, or developing any property or plant now owned or operated by the City, or which it may, in accordance with the provisions of this Charter, acquire in the future. General powers.

Forty-third.—To remove all obstructions from the streets and sidewalks of said City and to remove all porches or other structures extending over any sidewalk or portion thereof within the City. Public utilities. Street obstructions.

Forty-fourth.—To adopt and enforce ordinances, resolutions and orders not repugnant to the Constitution of the United States, the Constitution of the State of California or the general laws thereof, or the provisions of this Charter, and to establish all such measures and regulations, in case no express provision therefor is in this Charter made, as the City Council may from time to time deem expedient and necessary for the Ordinances.

promotion and protection of the peace, health, comfort, safety, life, happiness and welfare of the inhabitants of the City, the protection of property, the preservation of good order, the promotion of good morals, and the suppression of vice within the city.

ARTICLE III.

OFFICERS.

Officers of city.

SECTION 1.—The officers of the City shall be:—

- A Mayor,
- Seven Members of the City Council,
- A City Treasurer, who shall be ex-officio City Tax and License Collector,
- A City Clerk, who shall be ex-officio City Assessor,
- A Police Judge,
- A City Attorney,
- A Chief of Police,
- A Superintendent of Streets and Parks,
- Three Members of the Board of Education,
- Three Members of the Board of Health,
- Five Library Trustees,
- A Superintendent of Water Works,
- An Inspector of Plumbing and Construction,
- A City Engineer and Surveyor,
- A City Electrician,
- A Chief of the Fire Department,
- A Superintendent of Schools,
- A Health Officer.

Salaries.

Salaries.

SECTION 2.—The officers of the City in this section named shall receive in full compensation for all services of every kind rendered by them in their respective offices, except as hereinafter provided in this Charter, the following yearly salaries, payable in equal monthly installments, viz:

City Treasurer and Collector,	\$1200.00
City Clerk and Assessor,	1200.00
Police Judge,	600.00
Chief of Police,	1200.00
City Attorney,	1200.00
Superintendent of Streets and Parks,	1200.00
Superintendent of Water Works,	1200.00

Fees prohibited.

SECTION 3.—No officer of the City shall be compensated by fees or commissions, but only by fixed salary payable monthly.

Salaries, how fixed.

SECTION 4.—In all cases not otherwise provided for in this Charter, the City Council shall, by ordinance fix the salaries or compensation of officers and employes of the City.

Bonds of officers.

Bonds.

SECTION 5.—All officers of the City, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company, and the premium charged shall be paid by the City.

SECTION 6.—The City Council may at any time, require an additional bond whenever any official bond may be deemed insufficient, and upon failure on the part of any officer to furnish a satisfactory bond at the request of the City Council, his office shall be declared vacant, and as soon as such declaration is made, the office becomes vacant.

Additional bonds may be required.

SECTION 7.—The amount in which the respective officers shall execute official bonds shall be as follows, to-wit:

Amount of bonds.

City Treasurer and Collector,	\$20,000.00
City Clerk and Assessor,	2,000.00
Superintendent of Streets and Parks,	2,000.00
Superintendent of Water Works,	2,000.00
Inspector of Construction and Plumbing,	2,000.00
Police Judge,	1,000.00
Chief of Police,	1,000.00
City Attorney,	1,000.00
City Engineer and Surveyor,	1,000.00
City Electrician,	1,000.00
Policemen, each,	1,000.00

SECTION 8.—The City Council shall have power to require bonds from any other officers or employés of the City whenever deemed necessary.

Bonds of employés.

SECTION 9.—The bond of the City Clerk shall be filed with the Mayor, and all other bonds shall be filed with the City Clerk.

Of city clerk.

Vacancies.

SECTION 10.—If any elective or appointive officer of the City shall die or remove from the City, or shall absent himself from the City for more than thirty days without the consent of the City Council, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connected with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than twenty days without the consent of the City Council, his office shall thereupon be declared vacant by the City Council, if the office be an elective one, and by the Mayor, with the approval of the City Council, if the office be an appointive one, unless otherwise provided for in this Charter.

Absence without leave.

SECTION 11.—Any vacancies occurring in any of the elective or appointive offices provided for in this Charter, except as otherwise herein provided, shall be filled by appointment by the Mayor, by and with the consent of the City Council, until the next regular City election, at which time in the case of an elective officer, a successor shall be elected.

How vacancies shall be filled.

SECTION 12.—All elective officers of the City shall be citizens of the State of California, and shall have been residents and qualified electors of the territory embraced within the present boundaries of the City of Santa Cruz, for a period of at least three years next preceding the day of their election to office.

Qualifications shall be for office.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Mayor.

Mayor.

SECTION 1.—The chief executive officer of the City shall be designated the Mayor. He shall be not less than thirty years of age and must have been a resident and qualified elector of the City for three years immediately preceding his election. He shall preside at all meetings of the City Council, but shall not be entitled to vote. He shall sign all warrants ordered drawn upon the City Treasurer by the City Council, and shall sign on behalf of the City all contracts entered into by said City. He shall sign all conveyances authorized by the City Council and acknowledge the execution of the same. He shall, at least once a month, together with the Chairman of the Finance Committee and the City Clerk, count the cash in the City Treasury and see that it corresponds with the books of the City Treasurer and City Clerk, and the result of such count shall be reported to the City Council and posted conspicuously in both the City Treasurer's and City Clerk's offices.

Count the cash.

Enforce laws.

SECTION 2.—The Mayor shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly watch the official conduct of all public officers, and take notice of the fidelity and exactitude or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of public funds and property. The books and official papers of the departments, boards, officers and persons in the service or employ of the City, shall at all times be open to his inspection and examination. He shall take especial care to see that the books, and records of said departments, boards, officers and persons are kept in a legal and proper form. Any officer refusing to submit to or permit an examination of the books and records in his office by the Mayor or any one appointed by the Mayor and City Council for that purpose, or who purposely delays or impedes the same may be suspended from office by the Mayor and removed from office for malfeasance. The Mayor shall have a general supervision over all departments and public institutions of the City, and shall see that they are honestly, economically and lawfully administered. Any defalcations or willful neglect of duty, or any official misconduct which he may discover or which may be reported to him, shall be laid before the City Council, in order that the public interests may be protected and the person at fault be proceeded against according to law. He shall from time to time give to the City Council, information in writing relative to the state of the City, and shall recommend such measures as he may deem beneficial.

May suspend officer.

Defalcations.

Public order.

SECTION 3.—The Mayor shall take all proper measures for the preservation of public order and the suppression of all riots and tumults.

SECTION 4.—The Mayor shall appoint all officers of the City, whose election or appointment is not otherwise specifically provided for in this Charter or by law, such appointments to be confirmed by the City Council.

Appoint
officers

SECTION 5.—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. The Mayor shall have a general supervision of all City officers whether elected or appointed. He shall discharge such other duties and do such other things as are required of him by any provisions of this Charter or by the General Laws of the State.

Contracts
and agree-
ments.

SECTION 6.—When and so long as the Mayor is temporarily unable to perform his official duties, the City Council shall elect one of their number to act as Mayor *pro tempore*, who shall retain his right to vote. When a vacancy occurs in the office of Mayor, it shall be filled by appointment for the unexpired term, by the City Council assembled for that purpose. A member of the City Council, during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

Mayor pro
tempore.

City Treasurer and Collector.

SECTION 7.—The City Treasurer shall receive and safely keep all moneys that shall come to the City from taxation or otherwise, and pay the same out on demands properly audited, in the manner provided by this Charter, and without such auditing he shall disburse no public money whatsoever. He shall keep an accurate account of all 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 receipts and disbursements of the preceding month, and shall do all things required of him by law, the provisions of this Charter and the ordinances of the City.

Treasurer,
duties of.

SECTION 8.—The City Treasurer shall not, under any circumstances, loan to any person or corporation whatever any of the money of the City.

Shall not
loan
money.

SECTION 9.—As Tax Collector, he shall receive and collect all City taxes, general and special; also licenses and all other branches of City revenue whatsoever, except as otherwise provided in this Charter. He shall keep proper books showing accounts of all moneys collected by him, and all transactions of his office, which shall be properly indexed, and shall at all proper times be open to public inspection. He shall pay all moneys collected by him in his official capacity into the City Treasury daily. He shall do and perform such other duties as may be required of him by law, the provisions of this Charter or the ordinances of the City.

Tax
collector,
duties of.

City Clerk and Assessor.

City clerk,
duties of.

SECTION 10.—The City Clerk shall have custody of, and be responsible for the corporate seal, all books and papers, records and archives belonging to the City, not in actual use by other officers or committed to the custody of said officers by provisions of this Charter or by ordinances of the City. He shall be present at each meeting of the City Council and of the Board of Equalization and keep a correct record of their proceedings. He shall keep separate books, in which respectively, he shall record all ordinances, contracts, and official bonds. He shall attest the signature of the Mayor and shall have power to take affidavits and administer oaths in all matters relating to the business of the City, but shall make no charge therefor.

Keep the
records.

SECTION 11.—The City Clerk shall keep a record of all demands against the City allowed by the City Council, and against the Library Fund allowed by the Board of Library Trustees, and approved by the Mayor, the name of the original holder, amount, date of allowance, on what account incurred, and out of what fund payable. He shall correctly compute the amount of the several taxes of the assessment roll in accordance with the levy made by the City Council and certify the same before turning the roll over to the Tax Collector. He shall upon the application of any person indebted to the City, or any officer or person holding any money payable into the City Treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund to be applied and by whom to be paid; he shall, upon order of the City Treasurer directing him to issue a receipt to the person paying money into the City Treasury, charge the City Treasurer with the amount and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys at any time in the City Treasury, not otherwise by law or ordinance specifically apportioned or appropriated, and forthwith notify the City Treasurer of such apportionment. He shall countersign all licenses and permits issued to any officer whereon any money is to be paid to such officer for the use of the City and shall charge such officer with the proper amount. No license or permit shall be valid unless countersigned by him. He shall at the first meeting in each month, and oftener if required, present a report, to the City Council, of the condition of each fund in the Treasury of the City. He shall at the first meeting of the City Council in January and July of each year, present a report showing the amount of and sources from which the revenue of the City was derived, how expended and the unexpended balance in each fund. He shall keep a full and complete set of books, in which shall be set forth in plain and businesslike manner every money transaction of the City so as to show at any time the exact condition of the finances of the City.

Compute
taxes.

Apportion
funds.

Counter-
sign
licenses.

Counter-
sign
warrants.

SECTION 12.—The City Clerk shall countersign all warrants drawn upon the City Treasurer signed by the Mayor. He shall prescribe a system of books and records to be kept by

each department of the City government, and forms of monthly reports to be made to the City Council by the several departments. Such system of books, records and forms shall be submitted to the City Council for approval, and after approval they shall continue in force until otherwise ordered by the City Council. He shall perform such other duties as are required of him by law, this Charter, or the ordinances of the City.

SECTION 13.—As Assessor, he shall perform all duties prescribed by this Charter, or by the laws of the State of California, for assessing property in the City for purposes of taxation, and shall collect such taxes upon personal property as by law or this Charter are required to be collected by the Assessor; *provided*, however, that the City Council shall have authority to avail itself of the provisions of any Act of the Legislature of the State of California requiring County Assessors to make assessments for cities or to furnish copies of assessments of property situated therein, to said cities.

Assessor,
duties of.

City Attorney.

SECTION 14.—The City Attorney shall have been duly admitted to practice his profession by the Supreme Court of the State of California. He shall prosecute, on 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, matters, 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. The City Attorney shall be present at all regular meetings of the City 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 shall require of him. On vacating his office he shall surrender all books, papers, files and documents pertaining to the City business to his successor.

City,
attorney,
qualifica-
tions and
duties.

Chief of Police.

SECTION 15.—The Chief of Police shall, under the direction of the Mayor and City Council, have the supervision of the police force of the City. He shall rigidly enforce the laws, ordinances, rules and regulations prescribed by this Charter or by the Mayor and City Council, and shall discharge such other duties as the City Council may require.

Chief of
police,
duties of.

Superintendent of Streets and Parks.

Superintendent of streets, duties of.

SECTION 16.—The Superintendent of Streets and Parks shall see that the laws, ordinances, orders and regulations relative to public streets and parks are fully carried into execution and that the penalties for breaches thereof are rigidly enforced. He shall, under the direction of the Mayor and City Council, superintend the construction and repair of streets, and bridges, and the cleaning and sprinkling of streets and the flushing of sewers; he shall have the general care of, and must frequently inspect the same, approve or reject all materials used in the construction or repair of streets and bridges, whether done by contract or otherwise, and shall report to the City Council all deviations from contracts and specifications, or the use of improper materials, or of bad workmanship. He shall perform such other services as are required of him by this Charter, the ordinances of the City or the general laws of the State.

Inspector of Plumbing and Construction.

Inspector of plumbing and construction, duties of.

SECTION 17.—The Inspector of Plumbing and Construction shall be a citizen of the State and a resident and qualified elector of the City. He shall be a regularly licensed plumber and shall be appointed by the Mayor and his appointment confirmed by the City Council, and shall hold office at the pleasure of the City Council. He shall see that all laws, ordinances, orders and regulations relating to the construction and locations of drains and sewers, the materials used in and the thickness of party walls, partition walls, and outside walls, the thickness and construction of chimneys, the construction and character of bath-rooms, water-closets, privies and vaults, the manner of construction and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner of construction and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, are rigidly enforced and fully complied with. He shall issue permits for all connections made with public sewers or drains and all plumbing of buildings and the drainage thereof, whether the buildings be public or private, shall be executed in accordance with plans previously filed with and approved by him. He shall examine all plumbing work before the same is covered up or closed and if found to be in accordance with the plumbing ordinance and the plans and specifications filed he shall issue a certificate to that effect, and upon the satisfactory completion of the work, he shall issue a final certificate. He shall perform such other duties as the City Council may prescribe.

Permits.

City Engineer and Surveyor.

City engineer and surveyor.

SECTION 18.—The City Engineer and Surveyor shall be a citizen of the State and a resident and qualified elector of the

City. He shall be appointed by the Mayor and his appointment confirmed by the City Council. He shall hold office at the pleasure of the City Council. The City Engineer and Surveyor shall perform all the engineering and surveying required in the carrying on of the public works and improvements done under the direction of the City Council or any department of the City government. He shall prepare all plans and specifications for contemplated constructions, improvements, repairs and alterations when ordered so to do by the City Council. He shall be the custodian of, and be responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the City pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall have the final decision, unless otherwise provided by ordinance, as to the proper locality and height of telegraph, telephone, electric light and other poles, as well as the proper alignment and height above the ground of all telegraph, telephone, electric light and other wires, the depth below the surface and alignment of all gas, water, sewer and other pipes and conduits, and the grade and proper alignment of all street railroads and tracks. He shall do and perform such other duties as may be required of him by this Charter, the ordinances of the City or the orders of the City Council.

Custodian
of maps.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION 1.—The legislative power of the City shall be vested in a City Council of seven members; *provided*, however, that such legislative power shall be exercised subject to the veto power of the Mayor as in this Charter provided.

City
council.

SECTION 2.—Members of the City Council shall be nominated and elected from the respective wards of the City. Each member of the City Council shall have been a citizen of the State and a resident and qualified elector of the City for a period of at least three years, immediately preceding the day of his election. The members nominated and elected from the wards shall be residents of the wards from which they are nominated and elected.

Qualifica-
tions.

SECTION 3.—Members of the City Council elected under this Charter shall hold office for two years and until their successors are elected and qualified.

Term.

SECTION 4.—The Mayor shall preside at all meetings of the City Council and may take part in the deliberations of said City Council but shall not have the right to vote. In the absence of the Mayor the City Council shall choose one of its own members to preside, who shall retain the right to vote upon all questions under consideration and shall have the same power to disapprove any order made by the City Council, and with like effect, as the Mayor would have if present at the meeting. The member thus appointed to preside, shall be

Presiding
officer.

designated the President of the City Council and in the event that the Mayor, for any reason, is temporarily unable to perform his official duties, the President of the City Council shall act as Mayor pro tempore.

Quorum. SECTION 5.—Four members of the City Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the City Council may prescribe. No order except to adjourn for lack of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receive the affirmative vote of four members.

Ordinances. SECTION 6.—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 duly passed by the City Council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the Mayor, except as herein provided. In the case of orders the approval of the Mayor shall be presumed, unless at the same meeting at which the order was passed the Mayor causes his disapproval, together with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances, after passage by the City Council must be submitted to the Mayor, who shall, within five days after he has received the same, endorse his approval or disapproval thereon, giving the reason for his disapproval. No ordinance or resolution shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, unless by unanimous consent of all the members present, and every ordinance and resolution to be valid must be passed by an affirmative vote of not less than four members of the City Council and be approved by the Mayor; *provided*, however, that if the Mayor disapprove any resolution or ordinance within the time herein provided, it may be passed by the affirmative vote of not less than five members of the City Council and then shall be as valid as if approved by the Mayor.

Enacting clause. SECTION 7.—The enacting clause of all ordinances shall be, "The Mayor and City Council of the City of Santa Cruz ordain as follows."

Meetings shall be public. SECTION 8.—All meetings of the City Council shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal on the final action of the City Council in the granting of franchises, in the authorization of contracts, in the ordering of work to be done or supplies to be furnished, in the ordering of assessments for street improvements, or the building of sewers, the passage of any ordinance, and in all other cases upon the call of any member.

Fix time and place of meeting. SECTION 9.—The City Council shall have the power to fix the time and place of its meetings, to compel the attendance

before it of witnesses, and the production of papers in any matter under investigation, to judge of the qualification and election of its own members, and to punish any member or other City officer, by a fine not exceeding fifty dollars, for disorderly or contemptuous behavior in its presence.

SECTION 10.—The City Council shall have the power to suspend any officer of the City pending trial against whom any criminal proceeding or any civil action for the recovery of any money due the City has been commenced, and the Mayor shall appoint a substitute for such officer during the time of his suspension. In voting upon the suspension or removal of officers the City Council shall vote by ayes and noes, and the same shall be taken and entered upon the journal.

Power to suspend officer.

SECTION 11.—The City Council shall have power to adopt by ordinance at any time any provision made by the general law of the State of California for the levy and collection, or either of them, of City taxes by and through the officers of the county.

Tax ordinances.

SECTION 12.—The City Council shall have the power to make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, the Constitution or general laws of the State of California, or the provisions of this Charter, necessary for the municipal government and the management of the affairs of the City, for the execution of all and singular the powers vested in the City and for the carrying into effect all and singular the provisions of this Charter.

General ordinances.

SECTION 13.—All resolutions and ordinances of the City now in force and not inconsistent with the provisions of this Charter shall remain in force until amended or repealed.

Ordinances continued in force.

ARTICLE VI.

THE JUDICIAL DEPARTMENT.

SECTION 1.—The judicial power of the City shall be vested in a Police Court and shall be presided over by a Police Judge.

Police court.

SECTION 2.—The Police Judge shall have the powers of examining magistrates and may commit offenders for trial in the proper courts. He shall have exclusive jurisdiction of the criminal proceedings for the violation of any City ordinance and of all civil actions and proceedings arising out of the violation of such ordinances and for the collection of any license required by any City ordinance, except such actions and proceedings as are within the jurisdiction of other courts under the provisions of the general laws of the State. He shall have the same jurisdiction in criminal cases as that which is conferred by the laws of the State upon Justices of the Peace, and all laws of the State relating to criminal matters applicable to Justices of the Peace or Justices Courts are made applicable to the Judge of the Police Court.

Police judge, powers of.

SECTION 3.—The Police Judge shall have the power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the City. The judgment

May impose fines.

may be in the alternative, imposing of fine, or providing imprisonment for non-payment thereof; or it may be for the payment of a fine, and imprisonment. In case of imprisonment for non-payment of a fine, such imprisonment shall be one day for each two dollars of the fine imposed. He shall also have the power to require any person adjudged to be guilty of and fined for any offense to work out the fine by working upon the public streets or other public work of the City.

Places of imprisonment.

SECTION 4.—In any case of imprisonment, it shall be in the City prison of the City of Santa Cruz or in the County jail of Santa Cruz County. The Police Court shall have concurrent jurisdiction with the Justices Court of Santa Cruz Township in all civil cases arising within said City which might be tried by the Justices Court of Santa Cruz Township. And in all such cases he shall have the power to issue writs, summons and all papers of every kind and character which Justices of the Peace might issue in similar cases.

Appeals.

SECTION 5.—Appeals may be taken to the Superior Court from any judgment entered by the Judge of the Police Court in the same manner as is proper by law for appeals from Justices Courts. All provisions of the Code of Civil Procedure relating to appeals from Justices Courts are applicable to appeals from the judgments of the Police Court.

Oaths.

SECTION 6.—The Police Judge shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as Justices of the Peace.

Seal.

SECTION 7.—The Police Judge shall have a seal, on which shall be engraved the arms of the State and the words "Judge of the Police Court of the City of Santa Cruz."

Process, how served.

SECTION 8.—All warrants, writs, summons and other papers issued by said Police Judge may be directed to the Chief of Police or to any Sheriff or Constable, who shall serve and return the same in all respects as if issued by a Justice of the Peace.

Docket.

SECTION 9.—The Police Judge shall keep a docket, which said docket, together with all necessary blanks, books and other papers necessary in the transaction of the business of the said Police Court shall be furnished by the City of Santa Cruz.

Same.

SECTION 10.—The Police Judge shall keep a complete record of all cases brought before or tried in the Police Court and shall enter the same in the docket of said Court. Separate dockets shall be kept for the civil and criminal business.

Reports.

SECTION 11.—The Police Judge shall make reports to the City Council quarterly, or oftener if required by said City Council.

Further duties.

SECTION 12.—The City Council may, by ordinance further define the duties of the Police Judge.

Disposition of fines.

SECTION 13.—All fines imposed and collected by the Police Judge shall be paid into the City Treasury on or before the last day of each month.

SECTION 14.—In all civil cases brought before or tried by the Police Judge, he shall be entitled to charge the same fees as are allowed by law to Justices of the Peace in similar cases, and all said fees when collected shall be paid into the City Treasury on or before the last day of each month. Fees.

SECTION 15.—The Police Court shall always be open for the transaction of business. Court always open.

SECTION 16.—In all cases to 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, and when by reason of sickness or other cause he is unable to act, the said Judge may call in any Justice of the Peace of Santa Cruz County to hold such Police Court in his place and stead. Disqualification of judge.

SECTION 17.—No person shall be eligible for the office of Police Judge unless he shall be a duly licensed Attorney of the Supreme Court of the State of California. Eligibility.

ARTICLE VII.

REVENUE AND TAXATION.

SECTION 1.—On or before the first Monday in July of each year the several heads of departments, officers, boards and commissions shall send to the City Council an estimate in writing of the amount of expenditures specifying in detail the object thereof, required in their respective offices, departments, boards and commissions for the fiscal year commencing on the first day of said month of July. Duplicates of these estimates shall be filed with the City Clerk. Estimates to be furnished.

SECTION 2.—On or before the second Monday in July of each year, the City Assessor shall complete the list or assessment roll, and shall attach his certificate thereto and deliver it and the books and maps he may have accompanying the same and all of the original lists of property given to him, to the City Clerk. *Provided*, that the City Council may empower the City Assessor to substitute for a list or assessment roll compiled by himself, a certified copy of the County Assessor's assessment roll of the City of Santa Cruz, said action of the City Council to be in accordance with the provisions of the general law of the State regulating the procedure. Assessment roll, when must be completed.

SECTION 3.—Upon the delivery of the assessment roll to the City Clerk, the City Council shall, after ten days notice given to the taxpayers by publication of such notice in a daily newspaper published in the City, sit and act as a Board of Equalization, and shall have as regards the equalization of said lists or assessment roll, powers similar to those conferred by law upon the Board of Supervisors of Santa Cruz County as a Board of Equalization of County Taxes. Board of equalization.

SECTION 4.—The meetings of the Board of Equalization shall be public. The said Board shall have power to increase or diminish the amount of any assessment on said lists or assessment roll, both as to real and personal property; *provided*, Powers of board.

that before any assessment shall be increased, due notice shall be given to the owner or owners of the property, the assessed value of which it is proposed shall be increased, and such owner or owners shall have the right to be heard before said Board, under oath. When such assessment roll or list shall have been equalized, it shall be returned to the City Clerk.

Estimate
for funded
debt.

SECTION 5.—On, or before the first Monday in August in each year the City Clerk shall prepare and transmit to the City Council an estimate of the probable expenditure of the City for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts, if any, together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the City Treasury. The estimate shall show, also, what amount of income and revenue is likely to be collected from fines, licenses and all other sources of revenue exclusive of taxes upon property; and shall set forth the probable amount that will be required to be levied and raised by tax upon all the property of the City to meet the requirements of the fiscal year.

Budget of
estimates.

SECTION 6.—The City Council shall, annually on or before the first Monday in September and by a majority vote 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 for the fiscal year. The budget shall, when completed by the City Council be delivered to the Mayor, who may within five days after the delivery to him veto any item in said budget either in whole or in part, and it shall require the vote of at least five members of the City Council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the Mayor and the City Clerk and the several sums shall then be so appropriated for the fiscal year to the several purposes and departments therein named.

Veto.

Reim-
bursement
of mayor
for ex-
penses.

SECTION 7.—The City Council may appropriate in the aggregate, during each year, not to exceed one thousand dollars (\$1000.00) in order to reimburse the Mayor or the members of the City Council for expenses incurred or moneys expended by any of the said officers for, or on behalf of the City of Santa Cruz for which no other funds of the City of Santa Cruz are legally available, but no money shall be paid out of this appropriation unless authorized by a vote of four members of the City Council other than any claimant or claimants for such expenses incurred or moneys expended, and approved by the Mayor. In the event that the Mayor withholds his approval, the votes of five members of the City Council, other than the claimant or claimants for such expenses incurred or moneys expended, may overcome the veto and cause a payment to be made from this fund. In the event of the Mayor being the claimant, a vote of five members of the City Council in favor of such claimant shall be sufficient to cause a payment to be made from this fund.

SECTION 8.—The City Council must cause to be raised annually according to law and collected by tax the amounts so appropriated less the amounts received from fines, licenses and other sources of revenue. Annual tax.

SECTION 9.—The following funds of the City of Santa Cruz, representing the several departments requiring municipal expenditure, are hereby established and created, viz: General Fund, Street Fund, Fire Department Fund, Sewer Fund, Library Fund, River and Water Front Improvement Fund, Park Fund and Water Fund; *provided*, that such other funds as may be deemed necessary may hereafter from time to time be created and established by the City Council by ordinance. Funds created.

SECTION 10.—The said City Council shall, on the third Monday in September in each year, by ordinance, fix the rate of City taxes, designating the number of cents on each one hundred dollars of property levied for each fund, and shall levy the City taxes upon all taxable property in the City both real and personal. *Provided*, that the rate of taxes thus levied for all municipal purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all the real and personal property within said City; *provided further*, that the taxes thus levied shall be used, when collected, only for municipal purposes, and for the proper support of the City government, except as provided in Section 7 as above. Rate of tax. Limit of tax.

SECTION 11.—The City Council shall have the power, and it shall be its duty to provide for the assessment and collection of all City taxes, and for the sale of property for delinquent taxes. The manner of making the assessment and collection of City taxes shall conform as nearly as possible to the provisions of the law of the State of California in relation to the assessment and collection of State and County taxes. *Provided*, that taxes on real property shall be due and delinquent at the same time that State and County taxes are due and delinquent, and that all sales for delinquent City taxes shall be made to the City of Santa Cruz. Collection of taxes

SECTION 12.—All licenses, unless otherwise ordered by the City Council shall be apportioned to the general fund; and all taxes and licenses herein authorized to be collected, shall be collected in the same currency as may be prescribed in reference to State and County taxes. Licenses, where apportioned.

SECTION 13.—Whenever it has been determined in accordance with the provisions of this Charter that the public interest or necessity demands the acquisition, construction or completion of any municipal buildings, bridges, sewers, water rights, water works, reservoir sites, rights of way for pipes, aqueducts, flumes or other conduits, gas or electric light works, or any other property or appliances suitable or proper for supplying said City and its inhabitants with utilities or for making public improvements, the cost of which will be too great to be paid out of the ordinary income or revenue of the City, the City Council may contract bonded indebtedness for said purposes, or any of them, and the proceedings taken for the Public ownership of utilities.

incurring of such indebtedness shall be in accordance with the mode and manner prescribed by the general laws of the State of California, relative to incurring bonded indebtedness by municipalities, in force at the time such proceedings are taken.

Special
tax levy.

SECTION 14.—Whenever the owners of the major part of the taxable property of the City, according to its valuation upon the last preceding assessment roll, shall make written request or application to the Mayor and City Council for an expenditure of not exceeding ten thousand dollars for any purpose authorized by law, in excess of the revenue of the City, for such purpose in the then fiscal year, the Mayor and City Council shall have the power, after having the said application spread upon the minutes, to incur such expenditure, although in excess of the revenue of the City for the then fiscal year, and shall provide for the payment of the same as directed in the application, by the levy of a special tax for the same or the succeeding fiscal year; *provided*, that the special taxes thus levied shall, for no one year, be more than one-half of one per cent, upon the valuation of the real and personal property as shown by the last assessment roll of the City. All special taxes ordered to be levied and collected shall be so levied and collected in the manner, form and ways prescribed for the levying and collecting of the general taxes of the City.

ARTICLE VIII.

CLAIMS AND DEMANDS.

Demands,
how
payable.

SECTION 1.—Except as otherwise provided in this Charter all demands payable out of the City Treasury must be approved by the City Council and the Mayor.

Same.

SECTION 2.—All claims and demands against the City of Santa Cruz, shall be paid only as herein provided for.

Must be
verified.

SECTION 3.—Except as hereinafter provided all claims and demands, duly verified, shall be presented to the City Council on forms to be supplied by the City Clerk. The City Council shall consider the said claims or demands and shall, if the same be just and legal, approve the same, or may, if it so determine approve in part or reject the whole. The action of the City Council shall be endorsed on said claims or demands, with the date of such action and shall be certified by the City Clerk.

Must be
delivered
to mayor.

SECTION 4.—Any claim or demand, approved by the City Council, in whole or in part, shall be delivered to the Mayor who shall approve the same, in whole or in part, or reject the same, and shall endorse such approval or rejection upon said claim or demand, with the date of such action; *provided*, that the Mayor shall have no power to approve a claim or demand for a larger sum than that for which it is approved by the City Council. If the Mayor approve only for part or for an amount less than that approved by the City Council, or reject any such claim or demand, he shall return the same to the City Clerk with his objections in writing attached thereto.

SECTION 5.—Every claim and demand shall be numbered and acted upon by the City Clerk in the order of its presentation to him; and when allowed, either in whole or in part, it shall be numbered and entitled to payment in the same order as allowed.

Must be numbered.

SECTION 6.—All demands payable out of the Library Fund must, before they can be approved by the Mayor, or be paid, be previously approved by the Board of Library Trustees by a vote of three members thereof, taken by ayes and noes, and spread on the minutes of said Board, and the action of said Board together with the date of such action shall be endorsed on said demands, and they shall be signed by the presiding officer and secretary or acting secretary of said Board. After the approval of said demands, as herein provided, they shall be delivered to the City Clerk and be presented by him to the Mayor for his consideration and approval.

Demands against library fund.

SECTION 7.—Any demand returned to the City Council with the objections of the Mayor, shall again be considered by the City Council, and if said demand shall again be approved by a vote of at least five members of the said City Council, and has been endorsed and certified as required by section three of this Article, the said objections shall thereby be overruled. Any demand returned to the Board of Library Trustees with the objections of the Mayor, shall again be considered by said Board and if said demand be again approved by a vote of at least four members of said Board, the said objections of the Mayor shall thereby be overruled.

Reconsidered demands.

SECTION 8.—No demand shall be approved by any Board or Officer, audited or paid, unless it specify each several item, with the date and amount thereof.

Demands to be specific.

SECTION 9.—No payment shall be made from the City Treasury or out of the public funds of the City, unless the same be specially authorized by law or the provisions of this Charter, nor unless the claim or demand shall have been duly audited as in this Charter is provided. The term "audited" as used in this Charter, with reference to demands upon the City Treasury, is to be understood as meaning that said demands have been presented to, passed upon and approved by every Officer and Board of Officers as required by this Charter, or the objections of the Mayor have been overruled as herein provided, and this must appear upon the face of the paper representing said demand.

Must be authorized by law.

SECTION 10.—No claim or demand shall be approved by the Mayor in favor of any person or officer or assignee of any person or officer, who is indebted to the City without first deducting the amount of said indebtedness; nor in favor of any officer having the collection, custody or disbursement of public funds who shall have failed to account to the City as required by law or this Charter; nor in favor of any officer who shall have neglected to make his official returns or report in writing, in the manner and at the time required by law, this Charter or by the ordinances or regulations made in pursuance thereof; nor in favor of any officer who may have neglected or

Demands not to be approved, when.

refused to comply with any of the provisions of this Charter or the ordinances of the City, or any act of the Legislature of the State regulating the duties of such officer on being notified in writing by the Mayor or President of the Council to comply therewith; nor in favor of any officer for the time he shall have absented himself, without lawful cause or the consent of the Mayor and City Council, from the duties of his office during the office hours prescribed by this Charter or by ordinance, and the Mayor and City Council may examine under oath, any officer receiving a salary from the City Treasury touching such absence.

Record of
claims.

SECTION 11.—The City Clerk must number and keep a record of all claims and demands upon the City Treasury, approved by the City Council and Mayor, and of the claims and demands approved by the Board of Library Trustees and Mayor, showing the number, date, amount, and name of the original and present holder, on what account allowed, out of what fund payable, and by what Board or officer it has been previously approved.

Lawful
demands,
how paid.

SECTION 12.—Every lawful demand upon the City Treasury, audited and allowed as in this Charter provided, shall in all cases be paid upon presentation of the warrant issued, if there be sufficient money in the City Treasury applicable to the payment of such demand, and the warrant shall be cancelled with a punch cutting the word "Cancelled" therein, and the proper entry thereof shall be made. If, there be not sufficient money so applicable, then the warrant shall be registered by the City Treasurer in a book kept for that purpose. Such Register shall show the special number of such warrant given by the City Council or other authority, and also by the City Clerk, the date, amount, name of the original holder, on what account allowed, against what appropriation drawn, out of what fund payable, and the date of presentation for payment. All demands shall be paid in the order of their registration. Each demand or warrant upon being so registered, shall be returned to the party presenting it, with the endorsement of the word "Registered," the date of registration and the signature of the City Treasurer; but the registration of any demand or warrant shall not operate to recognize or make valid such demand or warrant if made contrary to law or the provisions of this Charter.

All public
moneys to
be paid to
treasurer.

SECTION 13.—All public moneys collected by any officer or employee of the City shall 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 collecting money, shall be paid by demands upon the City Treasury, duly audited as other claims and demands are audited and paid.

ARTICLE IX.

CONTRACTS.

SECTION 1.—The City of Santa Cruz shall not be and is not bound by any contract, except as otherwise provided in this Charter, unless the same is made in writing by order of the City Council and is signed by the Mayor or by some other person, authorized so to do by order of the City Council, on behalf of the City; *provided* that the approval of the form of the contract by the City Attorney shall be endorsed thereon before the City Council shall have power to order the same to be entered into on behalf of the City; but the City Council, by an ordinance duly adopted, may authorize any officer, Board, Commission or agent of the City to bind the City without a contract in writing for the payment for supplies, labor or other valuable consideration furnished to the City in an amount not exceeding two hundred dollars.

Contracts must be in writing.

Form of.

SECTION 2.—All contracts for goods, merchandise, stores, supplies, materials, subsistence, printing, or advertising except as otherwise provided in this Charter, for the City or for any of the departments or public institutions thereof, must be made by the City Council with the lowest and best bidder offering adequate security for the faithful performance of the contract. Before making said contracts the City Council shall call for bids by publication of notice in a newspaper published in the City of Santa Cruz for at least ten days before the day upon which the said bids are to be opened by the City Council.

Bids must be asked by publication.

SECTION 3.—All bids must be accompanied by a certificate of deposit issued by, or a certified check drawn upon a solvent bank doing business in the City of Santa Cruz, for an amount equal to ten per centum of the bid; the said certificate of deposit or certified check must be made payable to the City Clerk, at sight. If the bidder to whom the contract is let, shall for five days after the contract is awarded to him, fail or neglect to enter into the contract and file the required bond, the City Clerk shall draw the money due on such certificate of deposit or certified check and pay the same into the City Treasury, and under no circumstances shall the certificate of deposit or certified check or the proceeds thereof be returned to the defaulting bidder.

Certified checks.

SECTION 4.—The City Council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the City Attorney as to form, shall be approved by the Mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the Mayor. The City Clerk shall furnish printed blanks for all such bids, contracts, and bonds.

Bonds on contracts.

SECTION 5.—All bids must be placed in sealed envelopes and be delivered to the City Clerk and be opened by the City Council at the time and place stated in the notice calling for bids. All bids that do not conform to the requirements of

Opening of bids.

this Charter or are not in accord with the terms of the notice calling for bids, must be rejected. The City Clerk shall return to the unsuccessful bidders their certificates of deposit or certified checks. He shall retain the certificate of deposit or certified check of the successful bidder until after the approval by the Mayor of the bond furnished by said bidder, for the faithful performance of his contract, and then shall return such certificate of deposit or certified check to such successful bidder.

New bids.

SECTION 6.—When a contractor fails to enter into the contract awarded to him or to perform the same, new bids must be invited and a new contract awarded as provided in the first instance. When the City Council believe that the prices are too high, or that the bidders have combined to prevent competition, or that the public interest will be subserved thereby, it may reject any and all bids and cause the notice calling for bids to be re-advertised.

Restrictions on contracts.

SECTION 7.—No contract for removing garbage, sweeping, sprinkling, or lighting the public streets, public buildings, places or offices shall be made for a longer period than one year, and no contract to pay for power, gas or electric light at a higher rate than the minimum price charged to any other consumer shall be valid.

ARTICLE X.

FRANCHISES.

Franchises.

SECTION 1.—No exclusive franchise or privilege and no special privilege shall be granted for any purpose.

Applications for franchises.

SECTION 2.—No application for a franchise shall be considered by the City Council unless the application shall be accompanied with the sum of one hundred dollars, which sum shall be returned to the applicant in the event that the City Council shall determine that the public necessity or the public interest do not require the granting of the franchise. If, however, the City Council shall determine that the public necessity or the public interest require the granting of the franchise, then the said sum of one hundred dollars shall be retained by the City in full for all costs of advertising and other preliminary expenses connected with the offering for sale of the said franchise; *provided*, the applicant shall be the successful bidder for the franchise. Otherwise the successful bidder, upon being granted the franchise, shall forthwith pay the sum of one hundred dollars to defray the costs of advertising and preliminary expenses connected with the offering the said franchise for sale and the said sum of one hundred dollars shall be returned to the original applicant for the said franchise.

Restrictions.

SECTION 3.—In granting any franchise the City Council shall impose such lawful restrictions and limitations as may best subserve the public interest and welfare.

SECTION 4.—In the granting of franchises the City Council shall be governed by the general laws of the State of California in force at the time said franchise is granted, which laws are hereby declared to be and are hereby made a part of this Charter, so far as they are or may be applicable to the class of cities to which this municipality may belong.

General laws to govern

SECTION 5.—All franchises granted under this Charter shall provide that when any such franchise or any portion thereof shall have been in disuse in whole or in part for a period of one year, there being no legal impediment to the use thereof, said franchise shall be deemed abandoned and forfeited to the extent of the said disuse, and the said franchise or the part thereof so in disuse shall no longer be exercised or enjoyed.

Disuse works forfeiture.

SECTION 6.—The Mayor may on his own motion and must upon a resolution of the City Council directing him so to do, cause to be instituted on behalf of the City such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the City to any person, company or corporation which have been forfeited in whole or in part or which for any reason may be irregular and void and not binding upon the City, and the City Attorney upon the demand of the Mayor must institute and prosecute the suits or actions required to enforce the provisions of this section.

Revocation of procedure.

ARTICLE XI.

ELECTIONS.

SECTION 1.—Elections to be held in the City of Santa Cruz shall be general and special elections.

Elections.

SECTION 2.—The Mayor, Members of the City Council, City Treasurer and Collector, City Clerk and Assessor, City Attorney, Police Judge, Chief of Police, Superintendent of Streets and Parks, and the Members of the Board of Education as provided in this Charter, shall be elected by the qualified electors of the City, at a general municipal election to be held on the second Monday in April A. D. 1907, and on the second Monday in April every two years thereafter.

First election.

All officers and employes of the City whose election or appointment is not otherwise provided for in this Charter, shall be appointed by the Mayor by and with the consent and approval of the City Council and shall hold office at the pleasure of the City Council.

Appointments by mayor.

SECTION 3.—All elections held under this Charter shall be governed by the general election laws of the State of California, so far as they may be made applicable to municipal elections, where they are held separate from general State elections.

General laws to govern.

SECTION 4.—The conduct and carrying on of all City elections shall be under the direction and control of the Mayor and City Council, and the Mayor and City Council shall, by ordinance provide for the holding of all City elections, and may district and subdivide the municipality into municipal

Conduct of elections.

- Precincts. election precincts for the holding of City elections, and may change and alter such precincts and re-district the municipality for such elections as often as occasion may require; *provided*, that no part of any ward shall be attached to any other ward or part thereof in forming election precincts; *provided, further*, that such re-districting of the municipality shall not be done nor the alteration of precincts for election purposes shall be made within ninety days of any municipal election.
- Duties of city council. SECTION 5.—The provisions of the general laws of the State of California governing elections for State and County officers not inconsistent with the provisions of this Charter, shall govern City elections in all matters for which no provision is made in this Charter, and the City Council and the City Clerk, respectively, shall exercise the duties conferred or imposed by such laws upon Boards of Supervisors and County Clerks concerning elections.
- Qualifications of electors. SECTION 6.—Every person who resides within the exterior boundaries of any municipal election precinct of the City at the time of holding any City election, and who was a qualified elector at the general State election held immediately preceding such City election, and who at the time of holding such general State election, was upon the Great Register of Santa Cruz County as a qualified elector of any of the municipal election precincts, shall be entitled to vote at such City election without other or additional registration.
- Same. SECTION 7.—All other persons claiming the right to vote at any City election, must be registered upon the Great Register of the County of Santa Cruz, as an elector of and within the municipal election precinct wherein he claims the right to vote, at least thirty days prior to the day of the said City election, and must reside within the exterior boundaries of such municipal election precinct at the time of the holding of the election.
- Registration. SECTION 8.—At all city elections the last printed Great Register of Santa Cruz County shall be used, and any elector whose name does not appear upon the printed Great Register shall be permitted to vote upon presenting and filing with the Board of Election a certificate under the seal of the County Clerk, showing that his name is registered and uncanceled upon the Great Register of the County, provided he is otherwise entitled to vote.
- Returns to be filed with city clerk. SECTION 9.—The election returns from each municipal election precinct shall be filed with the City Clerk, who shall immediately place them in the safe or vault in the City Clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the Mayor and City Council. After having been canvassed they shall be sealed up and kept by the City Clerk for six months and no person shall have access to them, except on the order of a Court of general jurisdiction.
- Canvassers. SECTION 10.—The Mayor and City Council shall meet within five days after any City election, at their usual place and time

of meeting, and canvass the returns of the said election and declare the result.

SECTION 11.—After the result of an election is declared, or when an appointment is made, the City Clerk under his hand and official seal shall issue a certificate therefor and serve the same by registered mail through the United States Post Office in Santa Cruz, addressed to the person or persons elected or appointed, and such person or persons must within ten days after receiving such certificate, file his official bond, if a bond be required of him by this Charter or the ordinances of the City, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

Certificate of election.

Bonds.

SECTION 12.—All elective officers shall take office at twelve o'clock noon on the first Monday in May next after the day of election, and shall hold office for the period of two years unless in this Charter otherwise provided and until their successors are elected and qualified.

Term of office.

ARTICLE XII.

EDUCATIONAL DEPARTMENT.

SECTION 1.—The School Department of the City of Santa Cruz, shall comprise all of the schools within the City of Santa Cruz, and within any territory that now is or that may hereafter be annexed thereto for school purposes, and shall be known as the Santa Cruz School District. It shall consist of Primary, Grammar and High Schools as now established or that may hereafter be established, and Kindergartens, and may, at the discretion of the Board of Education, include technical, industrial and night schools; *provided*, that no school money shall be used for technical, industrial or night schools, when such use would prevent the Board of Education from maintaining free kindergarten, primary, grammar and high schools for ten months in each year.

School department.

SECTION 2.—The government of the schools of the City shall be vested in a Board of Education, to consist of three members, to be elected from the Santa Cruz School District, at large, at the first general election held under this Charter, who shall serve without compensation. At the said election, two members of the Board shall be elected to hold office for two years and one to hold office for four years. All members elected thereafter shall be chosen at the general City elections, and for the term of four years. Vacancies occurring on the Board of Education between the elections herein provided for, and all other matters pertaining to the election of members of the Board of Education, not otherwise provided for in this Charter, shall be governed by the general School Law of the State of California.

Board of education.

Term of office.

SECTION 3.—Members of the Board of Education shall enter upon the discharge of the duties of office upon the first Monday in May after their election, and shall meet upon that day and

Organization.

organize by choosing one of their members as President, who shall serve as President for one year. The Board shall also elect a Clerk, who may or may not be a member of the Board and who shall serve at the pleasure of the Board.

Meetings. SECTION 4.—The Board of Education shall hold regular meetings at least once a month at such time and place as may be determined by its rules. Special meetings must be called by the President upon written request of two members of the Board, and such special meetings may be called by the President as often as he deems necessary.

Powers and duties. SECTION 5.—The powers and duties of the Board of Education are:

Establish schools. First.—To establish and maintain public schools as herein provided and to change, consolidate and discontinue the same.

Fix district boundaries. Second.—To subdivide the school district and to fix and alter the boundaries of such subdivisions.

Employ teachers. Third.—To employ and dismiss teachers, janitors, truant officers, school census marshals, and such other employes as may be necessary to carry into effect the powers and duties of the Board.

Fix salaries. Fourth.—To fix, alter, allow and order paid the salaries or compensation of all employes, and to withhold for good and sufficient reasons the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Make rules. Fifth.—To make, establish and enforce all necessary rules and regulations not in conflict with the laws of the State, for the government and management of the public schools within the district, the teachers thereof, and the pupils therein, and for the carrying into effect the laws of the State relating to education.

Course of study. Sixth.—To establish and regulate the grade of the schools and to determine the Course of Study therein, the mode of instruction, and what text-books other than those published by the State shall be used in the schools.

High school course. Seventh.—To outline and prescribe a Course of Study for the High School that will fit and prepare pupils therein to enter the University of California.

Supplies. Eighth.—To provide for the school department all necessary fuel, lights, water, printing, stationery and other supplies and to incur such other incidental expenses as may be for the interest and welfare of the department.

Build school houses. Ninth.—To build, alter, repair, rent and provide school houses, and to furnish the same with suitable furniture, apparatus, and appliances, and to insure any and all school property.

Buy and sell property. Tenth.—To purchase and sell, receive, lease, hold in fee in trust for the City, any and all real estate and personal property that may have been acquired or that may hereafter be acquired, for the use and benefit of the schools of the City, and to make in the name of the City, conveyances of property belonging to the City which is sold by the Board of Education; *provided*, that the proceeds of any such sale of real estate shall

be applied exclusively to the purchase of other lots or for the erection of school houses for the use of the department.

Eleventh.—To grade, fence, and improve all school lots and grounds. Fences.

Twelfth.—To prohibit any child under the age of six years from attending any of the public schools; *provided*, they shall fix the age in kindergarten classes at which pupils may attend at not less than four years; and to suspend or expel pupils for misconduct. Kindergarten classes.

Thirteenth.—To admit, at their discretion, non-resident children and persons over twenty-one years of age to any of the schools of the City, upon payment, at such times as the Board may direct, of such tuition fees as have been fixed by the Board. Non-resident children.

Fourteenth.—To furnish books to children of parents unable to furnish them. The books so furnished shall belong to the district and shall be returned to the Superintendent at the end of each term of school. Furnish books to poor children.

Fifteenth.—To visit the schools of the City and carefully examine into their management, condition and needs. Visit schools.

Sixteenth.—To discharge all legal incumbrances now existing or which may hereafter exist upon any of the school property of the district. Legal incumbrances.

Seventeenth.—To sue for any and all property acquired or claimed for the use and benefit of the school department, and to prosecute and defend all actions at law or in equity, necessary to recover and maintain the full enjoyment of said property, and to require the services of the City Attorney in all such matters without compensation. Prosecute and defend actions.

Eighteenth.—To do and perform, in general, such other acts as may be required by general laws applicable to the City, and which may be necessary and proper to carry into effect the powers conferred upon the Board of Education and to increase the efficiency of the public schools of the City. General duties.

SECTION 6.—The Board of Education shall annually appoint a City Superintendent of Schools, who shall be a practical educator and who shall have had not less than five years of successful experience in teaching. He shall not engage in any occupation or undertaking that will interfere directly or indirectly with the performance of the duties of his office, and during his incumbency of said office, he shall not hold, nor be a candidate for any elective office in the City or County of Santa Cruz or in the State of California. He shall have general supervision over the school houses and school property, and see that they are not wasted or destroyed; he shall grade the classes in the schools and classify the pupils as to the grade of school they shall attend; he shall from time to time recommend to the Board of Education such alterations, additions and changes in the grade of the schools, course of study, textbooks, and such other things and matters as he deems beneficial and proper. He shall in June of each year submit to the Board a full and detailed report of the progress of the schools, their present condition, the condition of school houses, lots and fur- City superintendent of schools.
Super-
vision.

niture, the number of pupils taught, respectively in the kindergarten, in the primary, in the grammar and in the high school grades. He shall have general supervision and control of the teachers, and shall report to the Board any misconduct, want of ability, negligence or inattention on the part of any of them; he shall subject to the approval of the Board, have power to assign teachers to such classes as in his judgment shall be for the best interest of the schools; he shall see that none but the authorized text-books are used, and that teachers and pupils faithfully perform their respective duties; he shall do and perform such other duties, matters and things as may be required of or be imposed upon him by the Board of Education or the general laws of the State.

Assign teachers.

Clerk of board.

SECTION 7.—The Clerk of the Board of Education shall keep a true record of the proceedings of the Board and a correct account of the expenditures allowed by it, and for what purpose, so that he can at any time make an exhibit, in aggregate and in detail of the outlays for the department. He shall be the general custodian of all books, papers and documents belonging to the Board. He shall, in June of each year, make to the Board of Education a full and detailed report of the receipts and expenditures of the department and the amounts paid, respectively, for teachers, rents, repairs, lands, buildings, furniture, fuel, stationery and other expenses. He shall perform such other duties as the Board of Education may require of him.

Report.

School law to govern.

SECTION 8.—All other matters pertaining to the school department not specifically provided for in this Charter, shall be governed by the general School Law of the State of California.

ARTICLE XIII.

PUBLIC LIBRARY.

SECTION 1.—The Santa Cruz Public Library shall be controlled and managed in accordance with the provisions of the general law of the State of California relating to public libraries and by such amendments thereto as may hereafter be made.

Control and management.

ARTICLE XIV.

HEALTH DEPARTMENT.

SECTION 1.—The Board of Health shall consist of three members, all of whom shall be appointed by the Mayor and their appointment confirmed by the City Council; each of the three thus appointed shall be a citizen of the State and shall have been a resident and qualified elector of the City for a period of three years next preceding the time of his appointment. Those members of the Board of Health first appointed under this Charter shall so classify themselves by lot that one shall go out of office at the end of the current fiscal year, one at the end of one year thereafter, and one at the end of two

Board of health.

Term of office.

years thereafter; thereafter their successors shall hold office for three years and until their successors are appointed and qualified.

SECTION 2.—Two members of the Board of Health shall constitute a quorum for the transaction of business. Quorum.

SECTION 3.—The Board of Health shall, at its first meeting and annually thereafter appoint a Health Officer, who may or may not be a member of the Board, and who shall be a regularly licensed physician. The Health Officer shall be ex-officio Secretary of the Board of Health. Health officer.

SECTION 4.—The Board of Health shall have supervision of all matters pertaining to the sanitary conditions of the City and the Public Institutions thereof, and full powers are hereby given to the said Board over all questions of defective drainage, the disinfection and sanitary cleaning of all public and private places, and the abatement of all nuisances prejudicial to the health of the inhabitants of the City or any of them. The said Board shall exercise a general supervision over and be the custodian of all death and cemetery records, and shall cause to be kept in books prepared for that purpose complete records of all deaths and births occurring in said City. The Board of Health shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable vital and mortality statistics in said City and prevent the spread of contagious and infectious diseases. Said Board shall have the power to prevent or forbid communication with infected families or houses, and, with the consent of the Mayor, may provide the necessary attendance and supplies for any pesthouse which may be in use. Sanitary conditions.
Mortuary records.
Vital statistics.

SECTION 5.—The City Council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt; all expenses necessarily incurred by the Board of Health in carrying out the provisions of this Charter shall be provided by the City Council, who are hereby authorized and directed to make an appropriation therefor out of the general fund. Health ordinances.

SECTION 6.—The Secretary of the Board of Health shall see that the laws and ordinances of the City in relation to the public health and the regulations and orders of the said Board are properly and rigidly enforced. He shall keep a full record of all the transactions of the said Board, as well as all records pertaining thereto, and shall issue all permits for burials, cremations or removals in or from any of the cemeteries of the City, and no interments or cremations shall be made therein, unless said Health Officer is satisfied of the correctness of the certificate of death, presented for his inspection. He shall have the power of a police officer, and shall make a complete and detailed quarterly report to the Board of Health and to the City Council of the affairs pertaining to his office, including mortuary and other statistics together with such observations and recommendations in rela- Secretary of board, duties of.
Police powers.

tion to the sanitary conditions of the City as he may deem necessary and proper.

Inspection
of public
buildings.

SECTION 7.—The Health Officer shall visit, once in each quarter, all public buildings and school houses in the City and such other premises as the Board of Health may direct. During such visits he shall examine the manner in which they are lighted, ventilated, and heated and particularly as to their sanitary condition.

Con-
tagious
diseases.

SECTION 8.—The Health Officer shall promptly report in writing to the superintendents or governing powers of all schools the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria or any other contagious or infectious disease. Said superintendents or governing authorities, when so notified, must refuse admittance to the schools of all members of a household, one or more of whose inmates are sick from any of the aforesaid diseases. The persons excluded shall be admitted on presenting a certificate from his or her attending physician, countersigned by the Health Officer, or from the Health Officer, that there is no longer any danger from contagion. When a case of contagious

Quaran-
tine.

or infectious disease is reported to the Health Officer, he shall visit the premises where the person is, and when satisfied that said disease exists, he shall place a flag or a conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises. The Health Officer may cause to be removed to a smallpox hospital any person in said city affected with smallpox. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pesthouse, the Health Officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

Smallpox

Oaths.

SECTION 9.—Every member of the Board of Health may administer oaths regarding matters connected with the Health Department.

Compensa-
tion.

SECTION 10.—The Health Officer shall receive such compensation as may be fixed by the City Council. The other members of the Board of Health, appointed as in this Charter provided, shall receive no compensation for their services.

ARTICLE XV.

POLICE AND FIRE DEPARTMENTS.

Powers.

SECTION 1.—The Police and Fire Departments of the City shall be under the control and management of the City Council, which shall have power:

Prescribe
duties

First.—To prescribe the qualifications, duties, rank, badges of office and uniforms of the officers, members and employes of said departments unless otherwise provided in this Charter.

Second.—To prescribe rules and regulations for the govern- Discipline.
ment and discipline of the same, and to prescribe and enforce penalties for their violation.

Third.—To hear and summarily determine all complaints Com-
of misconduct, inefficiency or violation of the rules, or other plaints.
charges against any member, officer or employé of said depart-
ments, and to take such action thereon as shall be most con-
ducive to the maintenance, discipline and efficiency of said
departments. When investigations or trials are conducted by Investigations.
said City Council, the City Clerk shall have power to issue sub-
pœnas for the attendance of witnesses and the production of
papers before it. Such subpœnas may be served by any
policeman. The Mayor or any member of the City Council
may administer oaths or affirmations in the conduct of said
investigations or trials.

Fourth.—To make all necessary rules and regulations to Rules and
carry into execution the foregoing powers, and all other pow- regula-
ers vested in said City Council by this Charter or by any ordi- tions.
nance of said City Council, passed pursuant thereto, or by the
Constitution and laws of this State, and in general to manage
and control said departments.

SECTION 2.—The City Council shall maintain a fire alarm, Fire alarm
and may maintain a police telegraph or telephone system, and system.
shall manage and control the same.

SECTION 3.—The police department shall consist of a Chief Of whom
of Police, and such captains, detectives and other policemen police de-
as the City Council may determine to be necessary, who shall partment
with the exception of the Chief of Police be appointed by the shall
Mayor of the said City, with the approval of the City Council, consist.
and shall hold office during the pleasure of the City Council;
provided, the police force other than the Chief of Police, shall
not exceed one police officer, paid by the City, for each one
thousand inhabitants in the said City, *and provided*, that the
Mayor of said City shall have power to appoint for one day Special
only, special policemen who shall be under the supervision of police.
the Chief of Police.

SECTION 4.—The fire department shall consist of a Chief Fire de-
Engineer and assistants, and as many drivers, engineers, hose- partment.
men and other employés as the City Council may determine to
be necessary, who shall be appointed by the Mayor of the said
City with the approval of the City Council, and they shall
hold office during the pleasure of the said City Council.

SECTION 5.—Said City Council shall supervise and possess Funds of
full power and authority over all funds, moneys and appro- police and
priations made for the use of the police and fire departments, fire de-
and also the organization, government and discipline of said partments.
departments, and shall have control of all property and equip-
ments belonging to said departments, and shall, from time to
time, purchase and acquire such property and equipments as
may be deemed necessary for the use of said departments.

ARTICLE XVI.

CITY WATER WORKS SYSTEM.

Water
works de-
partment.

SECTION 1.—The City Council shall have full power and authority over the organization, government, management and discipline of the water works department, and shall have control of the water works and other property pertaining or belonging thereto, and shall see that all employes of the department faithfully discharge their duties, and that all laws, ordinances, rules and regulations relating thereto are observed; *provided, however*, that the City Council shall have no power, warrant or authority to ever sell, lease or assign, convey, mortgage or hypothecate any part of, or interest in the water system, or any property belonging thereto, or any rents or income therefrom, now belonging to the City of Santa Cruz, or that may hereafter be acquired by said City unless authorized so to do by a vote of the people. The City Council shall make such rules and regulations as may be necessary to secure efficiency in the water works system.

Permanent
employes.

SECTION 2.—The permanent employes of the water works department shall be a Superintendent and an Assistant Superintendent. The Superintendent shall be appointed by the Mayor with the consent and approval of the City Council, and shall hold office at the pleasure of the City Council. The Superintendent of Water Works shall reside in the City of Santa Cruz, and shall be qualified by training and practical experience to perform the duties of his office as herein prescribed. He shall, under control of the City Council, have charge of all reservoirs, water mains, pipes, stand pipes, tanks, gates, valves, fire hydrants and taps, and shall supervise the laying, changing, or removal of all water mains, and the putting in of taps and the flushing of hydrants. He shall make collections of water rates, when the same are not paid at the office of the City Clerk, and shall perform such other duties as may from time to time be prescribed by the City Council.

Duties of
superin-
tendent.

Records.

He shall keep a correct record of all alterations or additions made to the main pipes, gates, valves, taps and fire hydrants, and all labor performed under his directions. He shall account for all materials and tools received or used in his department, and make a written report covering the same to the City Council on the first Monday in each month, together with such recommendations as to him may seem of interest to the public service. He shall examine all claims against the City for materials or tools used in his department and for labor performed under his directions; and said claims shall be certified as correct by him before being presented to the City Council for allowance.

Maps.

SECTION 3.—The Superintendent of Water Works shall prepare and keep maps showing the size and location of all water mains, gates, hydrants and taps, and at the expiration of his term of office he shall turn the same over, together with an inventory of all tools and materials on hand to his successor in office.

SECTION 4.—The City Clerk shall be ex-officio assistant superintendent of the water works system. He shall keep all of the books and records of the department, and keep a true and correct account of all matters connected with the department, including receipts and disbursements, collections of water rates and cost of maintenance of the system. He shall be at his office from 9 until 12 o'clock, A. M., and from 2 to 5 o'clock, P. M., on all days, Sundays and legal holidays excepted, for the purpose of receiving water rates from the patrons of the system, and shall have authority to give receipts therefor. He shall perform such other duties as from time to time may be required of him by the City Council and said City Council shall fix his compensation for services as such assistant superintendent of water works.

City clerk
ex-officio
assistant
superin-
tendent,
duties of.

ARTICLE XVII.

LIGHT, HEAT AND POWER.

SECTION 1.—The City Council shall have the exclusive control and management of the electric light plant now owned by the City, and of all plants or works that may hereafter be acquired by the City for furnishing said City or the inhabitants thereof with light, heat or power.

Electric
light
plant.

SECTION 2.—The City Council shall have full power to construct, maintain and improve such works and to manage the same, and to rent, sell, distribute and use light, heat and power.

Heat and
power.

SECTION 3.—The City Council shall by ordinance make such rules and regulations as may be necessary to secure efficiency in the management and control of any and all plants or works owned by the City, and may provide for the appointment, removal, discharge or suspension of electricians, superintendents, laborers and all other persons employed upon or about said works, or in the management, rental, sale, distribution and use of light, heat or power, and the collection of rates for the same, and may also fix their salaries or compensation, and prescribe their duties.

Rules and
regu-
lations.

ARTICLE XVIII.

STREETS AND SEWERS.

SECTION 1.—Whenever the City Council shall deem it expedient to establish the grade or alter the established grade of the whole or any part of any street, avenue, lane, alley, court or place in said City, the same shall be done by ordinance.

Street
grades.

SECTION 2.—The cost of providing crosswalks, and of improving all intersections of streets, including the cost of constructing sewers therein, and of the space included between the center line of the street to be improved and the prolongation of the side lines of any street forming a junction with such street to be improved, to such center line, except the cost of constructing sewers therein, shall be paid out of the gen-

Cross-
walks a
public
charge.

Sewers.

eral or other appropriate fund of the City, and shall not be included in the special assessment for the proposed work. When a sewer is to be constructed in the last mentioned space, one half of the cost of said sewer shall be assessed against the property abutting against said space extended, and one half of said cost shall be paid out of the general or other appropriate fund of the City.

Council to be governed by state laws relative to street improvements

SECTION 3.—Except as provided herein, the general laws of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places, and sidewalks, including the construction of sewers, and providing for the grading or laying out, altering the grade of, or for opening, extending, widening, straightening or closing up in whole or in part any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and for providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within the City limits, now in force, or which may be hereafter adopted by the legislature of this State, is hereby made a part of this Charter, and shall govern the City Council in such matters.

ARTICLE XIX.

PARKS AND PUBLIC GROUNDS.

Public parks.

SECTION 1.—All public grounds, squares and parks, including the tract of land known as "De Laveaga Heights," shall be under the control and management of the City Council.

Control of.

SECTION 2.—The City Council shall have the full and exclusive power to govern, manage and control the said public grounds, squares and parks, and all such other grounds as have been or shall hereafter be placed under its care and charge, and shall have power to lease for farming or other purposes such portion or portions of said De Laveaga Heights as, in the discretion of said City Council, may be deemed advisable; to employ and fix the compensation of such employes as may be necessary for the proper care and improvement of such grounds, squares and parks; and to expend for the purpose of acquiring, developing or improving said public grounds, squares and parks all moneys received from any source for that purpose.

Compensation of employes.

Superintendent.

SECTION 3.—The Superintendent of Streets shall be ex-officio superintendent of public grounds and parks, and shall, under the direction of the City Council, have charge of the same.

Rules for government of.

SECTION 4.—It shall be lawful for the said City Council to pass and adopt such rules and regulations as it may deem

necessary for the regulation, use and government of said De Laveaga Heights, and all other public grounds, squares and parks under its supervision; such rules and regulations shall, within five days after their passage, be posted in at least three conspicuous places on the grounds affected thereby.

SECTION 5.—The said Superintendent of Streets and Parks shall annually and on the first Monday in July of each year make to the City Council a detailed statement of all receipts and expenditures of the preceding fiscal year on account of said De Laveaga Heights, and of other public grounds, squares and parks. Said statement to be accompanied by an estimate of the probable necessities and expenses of the next fiscal year.

Statement
of receipts
and
expendi-
tures.

SECTION 6.—The City Council is hereby authorized and empowered to levy and collect each year, in the mode prescribed by law for the levy and collection of taxes, a tax not greater than ten cents upon each one hundred dollars assessed valuation of taxable property within the said City of Santa Cruz for the purpose of acquiring, preserving, maintaining and improving the public grounds and parks, including said De Laveaga Heights. All moneys collected and arising from said tax, and from leases and other sources of revenue for the use and benefit of said public grounds, squares and parks and said De Laveaga Heights, including gifts and legacies for such purposes, shall be paid into the treasury of the said City, and shall be deemed to be thereupon appropriated and set apart for any expenditure incurred for the purpose of acquiring, managing, maintaining, preserving and improving public grounds, squares and parks in the City of Santa Cruz.

Tax levy.

Park fund

ARTICLE XX.

MISCELLANEOUS DEPARTMENTS.

SECTION 1.—All the departments of the public service and public works, not in this Charter otherwise provided for, shall be under the direction and control of the City Council, and the City Council may organize the same, and change such organization from time to time as to the said City Council shall seem best. The City Council shall have power to provide for the appointment, promotion, suspension, reduction or dismissal of all officers, and employés of such departments; to fix the powers, duties and compensation of such officers and employés; to prescribe rules and regulations for the government, discipline and equipment of such departments, and to enforce penalties for any violation of any such rules and regulations; and may do anything that may be necessary to maintain said departments in a high state of efficiency.

All de-
partments
to be under
control
of city
council.

ARTICLE XXI.

THE INITIATIVE.

Basis of
per-
centage.

SECTION 1.—The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the City at the last preceding general election, other than general City election, prior to the filing of said petition; and all voters registered at said general election or thereafter shall be entitled to sign the petitions herein provided for.

Petitions.

SECTION 2.—Upon presentation to the City Council of a petition or petitions signed by qualified electors of the City, in number equal to *ten* per centum of said registration, asking for the submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the City Council itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next regular City election occurring subsequent to sixty days after the filing of said petition or petitions. But if said petition or petitions, request the calling of a special election and are signed by qualified electors equal in number to *twenty* per centum of said registration, then such measure, if not so enacted by the City Council, must be submitted to the electorate at a special election to be called within sixty days from the presentation of such petition or petitions to the City Council as herein provided.

Mandatory
petitions.

Same.

SECTION 3.—If such proposed measure is a measure that the City Council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to *twenty-five* per centum of said registration, then such proposed measure must be submitted to the electors of the City at the next regular City election occurring subsequent to sixty days after the presentation of the said petition or petitions to the City Council, as herein provided.

Method of
presenting
petitions

SECTION 4.—The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number and also the date of said signature. Each paper shall have attached thereto the affidavit of a registered voter of the City, stating that all of the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Said petition shall be filed with the City Clerk within sixty days from the date of the first signature appearing thereon, and within twenty days from the date of the filing of such petition in his office the City Clerk shall examine, and from the Great Register and certificates of registration ascertain, whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the

Duty of
city clerk.

City Council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of such examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If by the certificate of the City Clerk, the petition is shown to be insufficient, it may be amended within ten days from the date of such certificate.

SECTION 5.—The Clerk shall, within twenty days after such amendment make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the City Clerk shall present the same to the City Council without delay. Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under the provisions of this article more than one special election in any period of six months. Whenever any measure is required or authorized by this Charter to be submitted to the electors of the City, at any election, the City Clerk shall cause the measure to be printed, and he shall enclose printed copies in envelopes and mail one to each voter in the City, at least ten days prior to the election, but the City Council may order that the publication of the measure in a newspaper printed and generally circulated in the City of Santa Cruz shall take the place of the printing and mailing of the measure, as first above provided. Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessments, shall not come within the operation of this section.

Amended petitions.

Printed copies of measure to be mailed.

Local improvements.

ARTICLE XXII.

THE REFERENDUM.

SECTION 1.—Any measure that the City Council or the electorate of the City, as herein provided, has authority to adopt, the City Council may of its own motion submit to a vote of its constituent electors at a general or special election.

The referendum.

SECTION 2.—Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise, or privilege, and no ordinance or measure making or authorizing any contract, (except contracts for improvements, the expenses whereof are defrayed by special local assessments, and contracts where the subject matter involved is of less value than one thousand dollars), passed by the City Council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the City Council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by five votes of the City Council, and not obligating the City for a longer period of time than one year, may go into effect at the will of the City Council.

Ordinances, when effective.

Emergency measures.

Petitions

SECTION 3.—If within said thirty days a petition or petitions signed by qualified electors of the City, in number equal to *ten* per centum of said registration, be filed with the City Clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract, (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is less than one thousand dollars in value), adopted by the City Council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electorate for approval or rejection at the next regular election occurring subsequent to sixty days after the presentation of said petition or petitions to the City Council, as herein provided, or at a special election called prior to such regular City election; and if said petition or petitions are signed by qualified electors of the City, in number equal to *fifteen* per centum of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall within one year be again submitted, except by a vote of the City Council, or upon a petition signed by *forty* per centum of said registration. Said petition or petitions shall be in all respects in accordance with the provisions of Section Four of Article XXI, except as to percentage of signers, and shall be examined and certified by the City Clerk in all respects as therein provided.

Mandatory petitions.

When ordinances passed by electorate are effective.

SECTION 4.—If a majority of the votes cast on any ordinance or measure referred as herein provided, to the electorate of the City, shall be in favor of the said ordinance or measure, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the City, ten days after the official count shall have been determined, otherwise such ordinance or measure shall be repealed or rejected, such repeal shall take effect ten days after the official count shall have been determined.

Not subject to veto.

SECTION 5.—No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, nor within two years from the date of its adoption shall said ordinance or measure be amended or repealed except by a vote of the electorate. Any amendment or repeal of such ordinance or measure by the City Council shall be subject to the referendum provided in this article.

ARTICLE XXIII.

MISCELLANEOUS PROVISIONS.

Certain words defined.

SECTION 1.—Whenever the word "City" occurs in this Charter it means the City of Santa Cruz, and whenever any department, board, or officer is mentioned in this Charter it means the said department, board or officer, as the case may be, of the City of Santa Cruz.

SECTION 2.—Special meetings of the City Council may be convened at any time by the Mayor or a majority of the City Council. The City Council shall establish rules as to what shall constitute legal notice of said meetings. Meetings of council.

SECTION 3.—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.

SECTION 4.—All officers, boards, and commissioners of the City of Santa Cruz shall, upon vacating their respective offices, turn over to their successors in office all books, papers, documents, records, archives and all other property or things pertaining to their respective offices, boards or departments, which may be in their possession or under their charge and control. Successors in office.

SECTION 5.—All books and records of the various offices and departments of the City of Santa Cruz, except those of the Police Department and the Office of the City Attorney, shall be open to the inspection of any person during business hours, and opportunity shall be afforded to make copies of any portions thereof. Such copies, if requested, shall be certified by the officer in charge of said records on payment of a fee of *fifty cents* for each ten folios or fraction thereof. Records open to public inspection.

SECTION 6.—No recourse shall be had against the City of Santa Cruz for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, lane, avenue, alley, court or place, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the City for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or for want of repair of any sewer; nor shall there be any recourse against the City for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such cases the officer or officers through whose negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for damages sustained. No recourse against city for damage to person or property.

SECTION 7.—No officer or employé of the City shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable out of the City Treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by the City, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the City. If any officer or person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the City or any department or officer thereof, or in any franchise, right or privilege granted by the City, during the time for which he was elected or appointed, unless the same shall be devolved upon him by Public contracts, officers must not be interested in.

Forfeiture of office.

law, he shall forfeit his office, and be forever debarred and disqualified from being elected, appointed or employed in the service of the City; and all such contracts made or rights or franchises granted shall be void and shall not be enforceable against the City.

Suspension; power of mayor

SECTION 8.—The Mayor shall have power to suspend any elected City Officer, except a member of the City Council, for malfeasance in office, dereliction, neglect or non-performance of duty, and shall report the same to the City Council within five days of such suspension, together with the charges and specifications in writing against such officer. If within five days the City Council, by affirmative vote of at least five members, approve said suspension, then said charges shall be filed with the City Clerk, and during such suspension the said officer shall not be allowed a salary. If the suspension of said officer be not sustained by at least five members of the City Council, then such suspension shall be of no effect and void.

Trial of suspended officer, procedure.

SECTION 9.—In any case of suspension of an elective officer, sustained by the City Council, a true and correct copy of the charges and specifications made against him shall be forthwith served upon him, and he shall have the right to be heard in his own defense with counsel, and shall be entitled to process to compel the attendance of witnesses in his behalf. In all cases the charges and specifications must have been served upon the accused at least five days prior to the hearing thereof, and the trial of such case shall proceed without further delay. The proceedings and final judgment, together with the ayes and nays shall be entered on the minutes. All trials of accused officers shall be conducted according to the forms of law and the established rules of evidence. When a judgment either sustaining the charges and specifications or dismissing them shall be rendered by the City Council, and be approved by the Mayor, it shall be final and conclusive. In the event of the charges against the accused officer being dismissed no forfeiture of salary shall result. Should the charges and specifications be sustained by the Mayor and City Council the office shall be declared vacant and the vacancy thus created shall be filled as in this Charter provided.

Oath of office.

SECTION 10.—The officers of the City in this Charter provided for, shall, before entering upon the discharge of their duties of office, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) 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..... to the best of my ability."

Eligibility to office

SECTION 11.—No member of the City Council shall, during the term for which he shall have been elected or appointed, be eligible to any office to be filled or confirmed by the said City Council; nor shall any member of the City Council be selected to fill any vacancy that may occur in any other office where such office is to be filled or confirmed by the said City Council.

SECTION 12.—The officers of the City in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties until *twelve o'clock noon*, on the first Monday in May, 1907, and until their successors are elected and qualified.

Present officers continued.

SECTION 13.—In all matters pertaining to municipal affairs concerning which no special provision is made in this Charter, the general laws of the State of California are hereby declared to be, and shall be, a part of this Charter as far as the same are or may be applicable to the class of cities to which this municipality may belong.

General laws a part of charter.

SECTION 14.—All ordinances and resolutions of the City and all regulations or rules prescribed for the government, control or discipline of any of its departments, officers or employes, which are in force at the time of the taking effect of this Charter and which are not inconsistent therewith, shall continue in force until altered, amended or repealed.

Present ordinances continued in force.

SECTION 15.—All rights, actions, proceedings, prosecutions, and contracts of the City or any of its departments or officers in progress, begun, or in existence at the time of the taking effect of this Charter, and not inconsistent therewith are hereby preserved, and shall continue to be valid, and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

Contracts continued in force.

SECTION 16.—This Charter shall go into effect for all election purposes on the day of its adoption and ratification by the Legislature, and for all other purposes on the first Monday in May 1907, at *twelve o'clock noon*, unless otherwise herein provided.

When charter takes effect.

SECTION 17.—The Mayor and City Council of the City of Santa Cruz, in office at the time this Charter is approved and ratified by the Legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes and declare the result.

First election.

ARTICLE XXIV.

AMENDMENTS.

SECTION 1.—This Charter may be amended at intervals of not less than two years, by proposals therefor, submitted by the City Council to the qualified electors of the City, at a general or special election held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said City, and ratified by the requisite vote of the qualified electors voting thereat, and approved by the Legislature, as provided in the Constitution of the State of California. In submitting such proposals alternative propositions may be presented for the choice of the voters, and may be voted on separately without prejudice to the others.

Amendments.

Alternative propositions.

SECTION 2.—The proposals for the amendment of this Charter referred to in the preceding section may be sub-

Initiative may be invoked.

mitted by the City Council on its own motion, but must be submitted by the City Council in the manner provided in said section, whenever a petition is presented to such City Council, signed by a number of the qualified electors as provided in Article XXI of this Charter.

Elections.

SECTION 3.—The City Council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

Tickets.

SECTION 4.—The tickets used at such elections shall contain the words, "For the amendment" (stating the nature of the proposed amendment) and, "Against the amendment" (stating the nature of the proposed amendment).

CERTIFICATE.

Certificate
of free-
holders.

WHEREAS, the City of Santa Cruz, a City of more than three thousand five hundred inhabitants, did on the twentieth day of August, A. D. 1906, have a special election, and under and in accordance with the provisions of Section 8, Article 11 of the Constitution of the State of California, elect the undersigned, a Board of Fifteen Freeholders, to prepare and propose a Charter for said City;

BE IT KNOWN that in pursuance of said provisions of the Constitution of the State of California, and within a period of ninety days after such election, we, the members of the said Board of Freeholders, have prepared and do hereby propose the foregoing Articles signed in duplicate, as and for the Charter of the said City of Santa Cruz.

IN WITNESS WHEREOF, we have hereunto set our hands, at the City of Santa Cruz, County of Santa Cruz, in the State of California, this 15th day of November, A. D. 1906.

C. D. HINKLE,
President.
DAVID C. CLARK,
Secretary.

F. D. BALDWIN
CHAS. M. CASSIN
D. W. JOHNSTON
W. P. NETHERTON
SAMUEL LEASK
A A MOREY
J. P. PARKER
WILSON R SPRINGER
C E FAGEN
S. A. PALMER
DUNCAN McPHERSON
J. G. TANNER
LOUIS H WESSENDORF.

ADDITIONAL PROPOSITIONS SUBMITTED TO A VOTE
OF THE PEOPLE AND PROPOSED TO BE INCORPORATED
IN THE CHARTER FOR THE CITY OF
SANTA CRUZ.

PROPOSITION 1.—

The Mayor shall receive a salary of *six hundred* dollars a year, payable monthly. Salaries:
Mayor.

PROPOSITION 2.—

Members of the City Council shall each receive a salary of *three hundred* dollars a year, payable monthly. City
council.

PROPOSITION 3.—THE RECALL.

SECTION 1.—The term of office, of each officer, elective or appointive, shall be limited to the good behavior of the holder thereof, who shall be subject to removal as provided in this Charter and by general law. Term of
office.

SECTION 2.—The removal by the electors of the City of any elected officer, may be effected as follows: Removals,
how
effected.

A petition or petitions, signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least *twenty-five* per centum of the entire vote cast for Mayor, at the last preceding general municipal election, demanding an election of a successor of said incumbent, shall be addressed to the City Council and be filed with the City Clerk. Said petition or petitions shall contain a general statement of the grounds for which said removal is sought. The method of procedure after the filing of the petition or petitions shall be as provided in Article XXI.

SECTION 3.—The City Council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted, and the result thereof declared in all respects as are those of other City elections. Arrange-
ments for
election.

SECTION 4.—The successor of any officer so recalled or removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate for election to succeed himself, and unless he request otherwise in writing, the City Clerk shall place his name upon the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who has received the highest number of votes shall fail to qualify within ten days after receiving notice of his election, the office shall be deemed vacant and shall be filled by appointment, as elsewhere in this Charter provided; *provided*, that Term of
successor.

Declara-
tion of
election.

no one who has been recalled under the provisions of this article shall be appointed to fill the vacancy. If the incumbent shall receive the highest number of votes, he shall continue in office.

Removal of appointive officer.

SECTION 5.—The holder of any appointive office may be removed by the electors of the City. The initial procedure to effect such removal shall be as is provided in Section 2, of this Article.

Election.

SECTION 6.—The City Council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted and the result thereof shall be declared in all respects as are other City elections.

Resignations.

SECTION 7.—If, prior to the publication by the City Council, as provided in Sections 3 and 6 of this Article, the office which it is sought by the petition to have vacated, has been legally vacated, by resignation or otherwise, further proceedings under the petition shall thereupon terminate, and the office shall be filled by appointment of a person other than the former incumbent, as elsewhere in this Charter provided.

Referendary vote.

SECTION 8.—In case such office shall not have been vacated prior to the publication by the Council, as provided in Section 7 of this article a referendary vote shall be had as provided in this article.

Tickets.

The tickets to be voted at such referendum shall be as follows:

“For the removal of.....”, naming the officer the removal of whom is sought to be accomplished, and “Against the removal of.....”, naming the officer whose removal is sought to be accomplished.

The ballots shall be provided with squares at the right hand of each voting proposition, in which the voter may make a cross indicative of his vote.

Result of election.

SECTION 9.—In case the result of the ballot shall show a majority vote against removal, the incumbent shall continue to hold office. In case the result shall show a majority vote for removal, said incumbent shall, upon the announcement thereof, as elsewhere provided cease to hold office, which shall thereupon by the City Council be declared to be vacated, and the vacancy shall thereupon be filled as is elsewhere provided for the filling of said office.

CERTIFICATE.

Certificate to additional articles.

WHEREAS, the City of Santa Cruz, a City of more than three thousand five hundred inhabitants, did on the twentieth day of August, A. D. 1906, have a special election, and under and in accordance with the provisions of Section 8, Article 11 of the Constitution of the State of California, elect the undersigned, a Board of fifteen Freeholders, to prepare and propose a Charter for said City;

BE IT KNOWN that in pursuance of said provisions of the

Constitution of the State of California, and within a period of ninety days after such election, we, the members of the said Board of Freeholders, have prepared and do hereby propose the foregoing additional Articles signed in duplicate, as and for a part of the Charter of the said City of Santa Cruz, to be presented for the choice of the voters of the City of Santa Cruz and to be voted on separately without prejudice to the said proposed charter or to any or either of the articles or propositions herewith presented.

IN WITNESS WHEREOF, we have hereunto set our hands, at the City of Santa Cruz, County of Santa Cruz, in the State of California, this 15th day of November, A. D. 1906.

C. D. HINKLE

President.

DAVID C. CLARK

Secretary.

F. D. BALDWIN

CHAS. M. CASSIN

D. W. JOHNSTON

W. P. NETHERTON

SAMUEL LEASK

A. A. MOREY

J. P. PARKER

WILSON R. SPRINGER

C. E. FAGEN

S. A. PALMER

DUNCAN McPHERSON

J. G. TANNER

LOUIS H. WESSENDORF.

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, }
CITY OF SANTA CRUZ. } ss.

I, T. W. DRULLARD, Mayor of the City of Santa Cruz, California, do hereby certify that I now am and at all of the times herein mentioned was the duly elected, qualified and acting Mayor of said City of Santa Cruz; that the Board of Freeholders whose names appear signed to the foregoing proposed charter and three alternative propositions were, and each of them was, on the 20th day of August, A. D. 1906, at a special municipal election held in said City of Santa Cruz on said last named day, duly elected by the qualified voters of said city as such freeholders, to prepare and propose a charter for said city; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five years immediately prior thereto, a qualified elector of the said City of Santa Cruz; that said Board of Freeholders, in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing three alternative propositions for said city, in duplicate; that the foregoing is a full, true and correct copy of said proposed charter of the said City of Santa Cruz, including the said

Certificate
of mayor.

Certificate
of mayor.

alternative propositions I, II and III, which were prepared and proposed by said Board of Freeholders, one copy of which said proposed charter and of said proposed three alternative propositions was duly returned to me as Mayor of the said City of Santa Cruz, and the other copy thereof was duly returned to and filed with the Recorder of the County of Santa Cruz, all within ninety days after said election, as required by Section Eight of Article Eleven of the Constitution of this State; that such proposed charter and the said alternative propositions I, II and III were then published in the "Santa Cruz Morning Sentinel" and in the "Santa Cruz Surf," (the same being daily newspapers of general circulation in said City) for more than twenty days, and the first publication thereof was made within twenty days after the completion of said proposed charter and said three alternative propositions; that within thirty days after the publication of said proposed charter and said alternative propositions I, II and III as aforesaid, and as required by said Section Eight of the Constitution, to wit: On the 22nd day of January, A. D. 1907, said proposed charter and said alternative propositions I, II and III were submitted at a special municipal election duly held in the said City of Santa Cruz, for the purpose of ratifying or rejecting said proposed charter and the said three alternative propositions.

That said proposed charter as a whole and the said three alternative propositions were duly ratified at said last mentioned election by the majority of the votes of the qualified electors of said city voting thereon, and that the returns of said last mentioned election were duly canvassed by the Mayor and Common Council of said City of Santa Cruz on the 23rd day of January, A. D. 1907, and the result thereof declared as above set forth.

And I further certify that at all the times herein mentioned said City of Santa Cruz contained a population of more than three thousand five hundred, and that in all matters and things pertaining to said proposed charter and the said three alternative propositions, the provisions of Section Eight of Article Eleven of the Constitution and of the laws of the State of California pertaining to the adoption of said proposed charter and of said three alternative propositions have, in every particular, been fully complied with.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this 29th day of January, A. D. 1907.

T. W. DRULLARD

Mayor of the City of Santa Cruz.

J. L. WRIGHT

City Clerk and ex-officio Clerk
of the Mayor and Common Council.

Attest: [SEAL.]

Approval
by legisla-
ture.

Now, therefore, be it
Resolved, by the Assembly of the State of California,
the Senate thereof concurring (the majority of all the mem-
bers elected to each house voting for and concurring herein)

That said charter of the City of Santa Cruz, including said three alternative propositions providing respectively for the salaries of the Mayor and of the City Council, and for The Recall, which said three alternative propositions were submitted with and at the time of said proposed charter, all as presented to, and adopted and ratified by the qualified electors of said City, be, and the same is hereby, approved as a whole, (including each of the said three alternative propositions) for and as and to be the charter of said City of Santa Cruz, as aforesaid.

CHAPTER 10.

Assembly Concurrent Resolution No. 16.

[Adopted February 19, 1907.]

Resolved by the Assembly, the Senate concurring, That the president of the senate and the speaker of the assembly be, and are hereby directed to each appoint a committee of three members of their respective houses, to serve as a joint committee on "Lincoln Exercises" to be holden in the assembly chamber on Tuesday evening, February 12, the birthday of the martyred president of the United States, Abraham Lincoln; and be it furthermore

Joint committee on "Lincoln Exercises."

Resolved, That the use of the assembly chamber be granted to the committees above mentioned on Tuesday evening, February 12, 1907, for said purpose.

CHAPTER 11.

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 article thirteen thereof by striking therefrom and repealing section four of said article relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured and to taxes due upon such assessment.

[Adopted February 19, 1907.]

The legislature of the State of California, at its regular session, commencing on the 7th day of January, A. D. 1907, two thirds of all the members voting in favor thereof, hereby propose that article thirteen of the constitution of the State of California be amended by repealing section four thereof.

Article thirteen of the constitution of the State of California is hereby amended by striking therefrom and repealing section four thereof, which section reads as follows:

Section 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest

Assessment of mortgages: proposition to repeal.

in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of such security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and, to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

CHAPTER 12.

Senate Concurrent Resolution No. 7, approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

[Adopted February 19, 1907.]

Amend-
ments
to charter
of City
of Los
Angeles.

Preamble.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8 of article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 455); and

WHEREAS, The city council of said City of Los Angeles did, by ordinance No. 13394, (New Series), adopted by said city council on the 3rd day of October, 1906, and approved by the mayor of said City on the 3rd day of October, 1906, and pursuant to section 8 of article XI of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles the four certain amendments hereinafter set forth to the charter of said City, to be submitted to said qualified electors at a general municipal election, to be held in said City on the 4th day of December, 1906, and,

WHEREAS, Said four proposed amendments hereinafter set forth were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to-wit, "The Los Angeles Daily Journal," said publication ending on the twenty-third day of October, 1906; and,

WHEREAS, Thereafter the city council of said city did, by an ordinance designated as Ordinance Number 13610 (New Series), which was duly adopted on the nineteenth day of November, 1906, order the holding of a general municipal election in said City of Los Angeles on the fourth day of December, 1906, (at least forty days after the publication of said four proposed amendments hereinafter set forth for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to-wit, "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said four proposed amendments to the said charter, to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the Mayor of said city on the nineteenth day of November, 1906, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal", a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify each and all of said four proposed amendments hereinafter set forth to said charter; and,

WHEREAS, The city council of said City of Los Angeles, at regular and at special meetings thereof, held within ten days after said election, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each and all of the said four proposed amendments to said charter; and

WHEREAS, The mayor and city clerk of said City of Los Angeles did, on the 22nd day of January, 1907, duly certify to the submission to the electors of said city of said four proposed amendments to said charter and to the ratification of said four amendments, and did further certify to a copy of said four proposed amendments, authenticated by the seal of the said City of Los Angeles, which said certificate is in the words and figures following, to-wit:

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, }
CITY OF LOS ANGELES. } ss.

Certificate
to electors.

We, the undersigned, A. C. Harper, Mayor of the City of Los Angeles, State of California, and Harry J. Lelande, 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, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889,

and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section eight, of Article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889. (Statutes of 1889, page 455);

That the City Council of the City of Los Angeles did, by Ordinance No. 13394 (New Series), adopted by said City Council on the 3rd day of October, 1906, and approved by the Mayor of said City on the 3rd day of October, 1906, 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 Los Angeles four certain amendments to the charter of said City to be submitted to said qualified electors at a general municipal election to be held in said City on the 4th day of December, 1906; which said amendments were and are in the words and figures following, to-wit:

AMENDMENT NUMBER ONE.

That Section sixty-five of the Charter be amended to read as follows:

Officers,
salaries.

Sec. 65. The officers of the city shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments at the end of each calendar month:

The Mayor shall receive \$3,600 per annum.

Each Councilman shall receive \$1,200 per annum.

The City Clerk shall receive \$2,400 per annum.

The City Auditor shall receive \$3,000 per annum.

The City Assessor shall receive \$2,400 per annum.

The City Treasurer shall receive \$2,400 per annum.

The City Engineer shall receive \$5,000 per annum.

The City Attorney shall receive \$3,000 per annum.

The Chief of Police shall receive \$3,000 per annum.

The Health Officer shall receive \$3,600 per annum.

The City Tax and License Collector shall receive \$3,000 per annum.

Each member of the Board of Public Works shall receive \$3,600 per annum.

That Subdivision (e) of Section one hundred forty-three of the Charter be amended to read as follows:

Secretary
of board of
public
works,
salary and
duties.

(e) The Board shall appoint a secretary, not a member of the Board, who shall receive an annual salary of \$2,400, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the 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 upon him.

That Subdivision (h) of Section one hundred forty-three of the Charter be amended to read as follows:

(h) The Board of Public Works shall appoint and employ a civil engineer of not less than five years' professional experience, who shall be designated as the City Engineer. He shall receive a salary of \$5,000 per annum, 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 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 City Council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by Ordinance, upon the City Engineer. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.

City
engineer,
salary and
duties.

AMENDMENT NUMBER TWO.

That a new Section be added to the Charter, to be known as Section one hundred forty-six and one half, and to read as follows:

Sec. 146½. 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.

Board of
public
works,
powers.

That Section one hundred and forty-eight of the Charter be amended to read as follows:

Sec. 148. All contracts for the performance or furnishing of labor, materials or supplies, required for the execution of any service of which the Board of Public Works has charge, superintendence or control, or for the construction or completion of any work or improvement of the construction or completion of which said Board has charge, superintendence or control, except public work or improvements, the cost or expenses of which are to be paid by assessment upon property in proportion to frontage or benefits and except as hereinafter provided, shall be let and entered into in behalf of the city by the Board in the following manner:

Contracts
how let.

Every such contract shall first be authorized by resolution passed by a vote of two-thirds of the members of the whole Council. The Board shall, except in cases of urgent necessity, as hereinafter provided, upon the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published one or more times in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the per-

Post
notice.

Bids. formance or furnishing of the labor, service, materials or supplies required. Said notice shall require the bids to be filed with the Board at or before a certain hour of a day to be specified in the notice, and shall contain a general description of the work, service, materials or supplies to be performed or furnished, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full details and description of said work, service, materials or supplies.

Certified checks required with bids.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the President of the Board for an amount not less than five 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 is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the Board shall meet and in open session examine and publicly declare the bids received. The Board shall award the contract to the lowest

Awards.

regular, responsible bidder, or shall reject all bids. The Board shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular, responsible bidder. Upon rejecting any bids the Board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the Board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the

Checks may be forfeited.

bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the Board shall first be approved as to form by the City Attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the Board. Said contract shall be signed on behalf of the city by the President or by two of the members of the Board and by the other contracting party. The contractor shall enter into and deliver to the Secretary of the Board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor and

Approval of city attorney.

Bond of contractor.

by a responsible surety company or by two or more sufficient sureties approved by the Board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the Board, a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the Board in behalf of the city, in writing or otherwise, without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than \$500, the resolution of the Council authorizing the same, shall, before it takes effect, be approved by the Mayor; *provided, however*, that authorization or approval by the Council or the Mayor shall not be required in the case of any contract proposed to be made by the Board, after advertisement for and inviting bids, as above provided, for the performance or furnishing of labor, materials or supplies required for the construction or completion of any work or improvement, of the construction or completion of which the said Board has charge, superintendence or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by the city; *and provided, further*, that authorization or approval by the Council or Mayor, or advertisement for or inviting bids shall not be required in the case of any contract proposed to be made by the Board for the performance or furnishing of labor, materials or supplies required as aforesaid, when such contract does not involve an expenditure of more than five hundred dollars.

Urgency
work.

That a new Section be added to the Charter, to be known as Section one hundred and fifty, and to read as follows:

Sec. 150. The Board of Public Works shall present to the City Council at its meeting in the second week of December in each year, a report for the year ending on the thirtieth day of November 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 City Council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds.

Annual
reports.

Monthly
reports.

That a new Section be added to the Charter, to be known as Section 151, to read as follows:

Sec. 151. When the construction or completion of any public work or improvement, the cost of which is to be paid out of the proceeds of the sale of bonds, is to be carried on outside the City of Los Angeles, and the Board of Public Works shall deem it necessary or convenient that any part of the money to be expended for the cost of such work or improvements shall be disbursed at any point or points outside said city, said Board may appoint a disbursing agent, whose duty it shall be to disburse such

Appoint-
ment of
disbursing
agent
for work
outside
of city.

Bond. money, in the manner hereinafter specified. The said disbursing agent shall enter into and deliver to the said Board a bond payable to the city, in a sum to be fixed by said Board, conditioned for the faithful performance of his duties, executed by himself, and by a responsible surety company, or if required by the Board, by two or more sufficient sureties approved by the Board, and said Board may, from time to time, require from said disbursing agent, a new bond, or such additional bond as it may deem proper. Said Board shall, after the execution and delivery of such bond, by resolution, authorize 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 City Treasurer upon a demand approved by the Board 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 therefor shall release the City Treasurer from all liability for the money so paid. *Provided, however,* that said Board shall not authorize the payment to said disbursing agent of any money which, together with the moneys 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.

Duties of 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 of Public Works 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.

Accounting by agent. 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 of Public Works, render to said Board an account showing the amount of money in his hands on the first day of the preceding calendar month, all amounts received, and all moneys disbursed by him during said preceding month, and the amount of money remaining in his hands on the last day of said preceding month.

Other duties. Said disbursing agent shall perform such other duties and comply with such rules and regulations as the Board of Public Works may prescribe. Said agent shall be exempt from the provisions of the Civil Service, and shall receive such salary as the Council by Ordinance may fix.

Salary. That Section two hundred and nine of the Charter, be amended to read as follows:

Claims and demands. Sec. 209. Said demands, except demands payable out of the School Fund, the Library Fund, Water Revenue Fund or funds derived from the sale of bonds issued by the City of Los Angeles, shall be presented to the Council on forms and blanks to be provided by the City Clerk, and shall be referred to its Committee on Finance. The said Committee shall, by endorsement thereon, approve or reject the same in whole or in part. The Council shall then consider the said demands

and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be endorsed thereon, with the date of such action, and certified by the signature of the President and City Clerk; *provided*, that it shall require the votes of two-thirds of the members of the whole Council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

That a new Section be added to the Charter, to be known as Section two hundred thirteen and three-quarters, and to read as follows :

Sec. 213 $\frac{3}{4}$. All demands payable out of funds derived from the sale of bonds issued by the City of Los Angeles to pay the cost of constructing or completing any public work, improvement or building must be presented to the Board of Public Works, and, before they can be approved by the City Auditor or paid, must be previously approved by the Board of Public Works, by a vote of two members thereof, taken by the ayes and noes spread upon the minutes of the Board and the action of said Board must be endorsed on said demand by the President and Secretary thereof, or in the absence of the President, by two members and the Secretary thereof. After the approval of said demands by the Board of Public Works, they shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference to demands payable out of funds derived from the sale of bonds, as are prescribed for other demands, *provided*, that in case the City Auditor shall reject any of such demands, or if, in his opinion, said demands should be paid only in part, he shall return the same to the Board of Public Works, instead of to the Council.

Claims
and de-
mands.

That Section two hundred fourteen of the Charter be amended to read as follows :

Sec. 214. Any demand returned to the City Clerk, with the objections of either the Mayor or City Auditor, shall again be considered by the Council, and if it shall again be approved by the Council by the same vote taken and recorded and endorsed in the same manner as required by Section 209 hereof, the said objection shall be thereby overruled. Any demand returned to the Board of Education, the Board of Directors of the Los Angeles Public Library, the Board of Public Works, or the Board of Water Commissioners, with the objections of the Auditor, shall again be considered by such Board, and if such demand be again approved, as required in the first instance such objections of the said Auditor shall be thereby overruled. Any demand, the objections to which of the Mayor have been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor. Any demand the objection to which of the City Auditor has been overruled by the Council the Board of Education, the Board of Directors of the Los Angeles Public

Demands,
objections
by mayor
and
auditor.

Objections
overruled.

Library, the Board of Public Works, or the Board of Water Commissioners, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

That Section two hundred twenty-two of the Charter be amended to read as follows:

Suits for money or damages.

Sec. 222. No suit shall be brought on any claim for money or damages against the City of Los Angeles, its Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or the Board of Water Commissioners, 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. Nor shall suit be brought against said city, or said Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or Board of Water Commissioners, 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 a writ of mandamus or other proceedings against the City 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.

AMENDMENT NUMBER THREE.

That a new section be added to the Charter, to be known as Section two hundred and thirty-seven and one-half and to read as follows:

Injured employés, transfer to other positions.

Sec. 237½. Any Civil Service employé 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 Commissioners, 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 Commission to take the action herein provided for unless the person injured is, in the judgment of said Commission, of good moral character and worthy of receiving the benefits hereof.

That Section two hundred and thirty-nine of the Charter be amended to read as follows:

Applica-tions of provisions to depart-ments.

Sec. 239. The provisions of this article shall apply to the following departments of the city, to wit:

The Department of the City Clerk,
The Department of Electricity,

The Fire Department,
 The Treasurer's Department,
 The Tax Collector's Department,
 The Police Department,
 The Auditor's Department,
 The Assessor's Department,
 The Health Department,
 The Department of Building,
 The Department of Public Works,
 The Waterworks Department,
 The Public Library,
 The Park Department,
 The City Engineer's Department,
 The Street Department,
 All Departments of Public Utilities,
 All other employees of the city,
Provided, that the following shall be exempt therefrom, Exemptions.

to wit:

All officers elected by the people,
 All members of the different boards and commissions,
 The Mayor's Clerk,
 The Chief of Police and his Secretary,
 The Chief Deputy of the Treasurer,
 The Chief Engineer and his Chief Deputy,
 The Chief Deputy and Cashier of the Tax Collector,
 The Chief Deputy of the Auditor,
 The City Superintendent of Schools and his deputies and teachers,
 The assistants and stenographers of the City Attorney,
 The City Prosecutor and the Assistant City Prosecutors,
 The Librarian,
 The Superintendent of Parks,
 The Secretary of the Park Commission,
 The Secretary of the Police Commission,
 The Superintendent of Buildings,
 The Humane Officer,
 The Chief Engineer of the Fire Department.
 The Superintendent, Water Overseer, Auditor and Cashier of the Waterworks Department,
 All physicians appointed on or by the Board of Health,
 All officers of election,
 The Police Surgeons;

And 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 Commission, approved by the Council by resolution passed by the vote of two-thirds (2-3) of all its members, to wit: (a) The first and second deputies in any department or either of such deputies where not exempt, as above provided. (b) Unskilled laborers, including drivers. (c) Persons employed on the construction of public works, improvements or buildings. (d) Persons employed to render professional, scientific, technical or expert services of an

occasional and exceptional character. Any exemption thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

AMENDMENT NUMBER FOUR.

That Section 212 of the Charter be amended to read as follows:

Demands
against
school
fund.

Sec. 212. All demands payable out of the School Fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Education, by a vote of five members thereof taken with the ayes and noes and spread on the minutes, and the action of said board indorsed on said demand and signed by the presiding officer and the clerk thereof. After the approval of said demands they shall be delivered to the City Auditor, who shall have the same powers and shall perform the same duties in reference to demands payable out of the School Fund as is provided for other demands; *provided* that in case the City Auditor shall reject any such demand, or if in his opinion said demand should be paid only in part, he shall return the same to the Board of Education, instead of the Council.

Certificate
of mayor.

That said four proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said City and of general circulation therein, to-wit, "The Los Angeles Daily Journal", and that said publication ended on the 23rd day of October, 1906;

That thereafter the City Council of said City did, by Ordinance No. 13610 (New Series), which was duly adopted on the 19th day of November, 1906, order the holding of a general municipal election in said City of Los Angeles on the 4th day of December, 1906, (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to-wit, "The Los Angeles Daily Journal"), and did provide in said Ordinance for the submission of said four proposed amendments hereinabove set forth to the said charter to the qualified electors of said City for their ratification at said general municipal election, which said Ordinance was approved by the Mayor of said City on the 19th day of November, 1906, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said City;

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of the four proposed amendments to the charter of the City of Los Angeles hereinabove set forth;

That the City Council of the City of Los Angeles, at regular and at special meetings thereof, and within ten days after said election, which said regular and special meetings were held in the manner prescribed by law, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had

voted for and ratified each and all of the said four proposed amendments to said charter hereinabove set forth;

We do further hereby certify and declare that the copy of said four proposed amendments to the charter of the City of Los Angeles hereinabove set forth is a full, true and correct copy of the four certain proposed amendments to the charter of the City of Los Angeles, which were, in the manner prescribed by law, submitted to the qualified electors of said City for their ratification and by them ratified at the general municipal election duly called and held in said City on the 4th day of December, 1906, as aforesaid:

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the City of Los Angeles, this 22nd day of January, 1907.

A. C. HARPER

Mayor of the City of Los Angeles.

HARRY J. LELANDE

City Clerk of the City of Los Angeles.

[SEAL]

AND WHEREAS, The said four proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California;

Now therefore, be it Resolved by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each house, voting for the adoption of this resolution and concurring herein), That the said amendments to the said charter of said City of Los Angeles hereinabove set forth, as presented, and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved, as a whole, for and as amendments to the said charter of said City of Los Angeles.

Approval
of legisla-
ture.

CHAPTER 13.

Assembly Concurrent Resolution No. 17.

[Adopted February 21, 1907.]

Resolved by the Assembly, the Senate concurring, That the senate and assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 22nd for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the assembly be appointed to confer with a like committee from the senate, to arrange a program of exercises, and to provide a place and fix the time of said joint meeting, said committees to be appointed by the speaker and president of the senate respectively, and any expenses incurred to be paid equally by the assembly and senate out of their contingent funds.

Washing-
ton's
birthday
exercises.

CHAPTER 14.

Assembly Concurrent Resolution No. 14, approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June 1905.

[Adopted February 25, 1907.]

Amend-
ments to
charter
of City of
Eureka.
Preamble.

WHEREAS, The City of Eureka, in the County of Humboldt, State of California, has at all times mentioned herein been, and now is, a municipal corporation of said state containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the second Monday of July, A. D. 1895, organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California,— which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 26th day of January, 1895 and approved by the legislature of the State of California on the 12th day of February 1895 (Statutes of 1895, pages 355 to 405, inclusive) and which said charter has never been amended; and,

WHEREAS, The legislative authority of said City of Eureka, to-wit: the council of said city, did by an ordinance by it passed on the 18th day of April, 1895, and approved by William S. Clark, the mayor and chief executive of said city on the 18th day of April 1905, and pursuant to section 8 article XI of the constitution of the State of California, duly proposed to the qualified electors of said city two certain amendments to such charter of said City of Eureka; and

WHEREAS, Said ordinance containing said proposed amendments to said charter was duly published for twenty days after its passage and approval in the Daily Humboldt Times, a daily newspaper printed, published and generally circulated in the City of Eureka aforesaid; and,

WHEREAS, A general municipal election was held in said City of Eureka on the 19th day of June, A. D. 1905, which date was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and,

WHEREAS, In and by said ordinance so passed, approved and published as aforesaid, said proposed charter amendments were submitted to the qualified electors of said city at said general municipal election; and,

WHEREAS, On the 20th day of June, 1905 at a meeting of said council of said City of Eureka, duly convened in accordance with law, and with the provisions of said charter of said city, said mayor and council of said City of Eureka, did duly and regularly canvass the returns of said general municipal election so held on the 19th day of June, 1905 and did find

therefrom that each of said proposed amendments to said charter were duly ratified by the majority of electors voting thereon; and, Preamble.

WHEREAS, Said mayor and said council after canvassing said returns, and at said meeting so held as aforesaid for said canvass, did duly find and declare that each of said proposed charter amendments had been ratified by a majority of the electors voting thereon; and,

WHEREAS, Said amendments so ratified by the electors of said City of Eureka at said general municipal election of June 19th, 1905 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 article XI of the constitution of the State of California; and are in the words and figures following, to-wit:—

CHARTER AMENDMENT NO. 1 TO THE CHARTER OF THE CITY OF EUREKA.

Article III, Section 43 $\frac{1}{4}$, The Initiative.

The basis of the percentage hereinafter provided for any petition shall be the total number of votes registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for. The Initiative.
Basis of percentage.

Upon presentation to the city council of a petition or petitions signed by qualified electors of the city, in number equal to 10 per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the city council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 20 per cent of said registration, then such measure, if not so enacted by the city council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions. Petition.

If such proposed measure is a measure that the city council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to 25 per cent of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions.

The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall Method of signing and presenting petitions.

add to his signature his place of residence, giving the street and number.

Duty of
city clerk.

Amended
petition.

Proposed
measures
to be
printed
and
mailed to
electors.

Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice however to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay.

Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section more than one special election in any period of six months. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall inclose a printed copy thereof in an envelope and shall mail the same to each voter, at least ten days prior to the election, but the city council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure, as first above provided.

CHARTER AMENDMENT No. 2 TO THE CHARTER OF THE CITY OF EUREKA.

Article III, Section 43½, The Referendum.

The refer-
endum.

Any measure that the city council or the electorate of the city, as herein provided, has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Ordi-
nances,
when
effective.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any con-

tract (except contracts for improvements, the expenses whereof are defrayed by special local assessments, and contract where the subject matter involved is of less value than \$1000.) passed by the city council, shall go into effect in less than thirty days after its final passage.

But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the city council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council or as otherwise provided by law.

If within said thirty days a petition or petitions signed by qualified electors of the city in number equal to 10 per cent of said registration, is filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1000.) adopted by the city council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city, in number equal to 15 per cent of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted, except by a vote of the city council, or a petition signed by 25 per cent of said registration.

Said petition or petitions shall be in all respects in accordance with the provisions of section 43 $\frac{1}{4}$ except as to the percentage of signers and be examined and certified by the clerk in all respects as therein provided.

If a majority of votes cast on any ordinance or measure referred as provided in sections 43 $\frac{1}{4}$ or 43 $\frac{1}{2}$ herein, to the electors of the city, shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined. No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, or be amended or repealed except by vote of the electorate or by legislative authority superior to that of the city council.

If the provisions of two or more measures approved and adopted at the same election, under the provisions of this

Emergency ordinances.

Petitions.

Council must repeal or submit measure to electors.

Not subject to veto.

charter conflict, then the measure receiving the highest affirmative vote shall control.

Now, therefore, be it

Approval
of legisla-
ture.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected voting for and concurring herein, that said amendments to the charter of the City of Eureka as proposed to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of the said City of Eureka, aforesaid.

CHAPTER 15.

Assembly Concurrent Resolution No. 18, approving the charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter, on the 5th day of February, 1907.

[Adopted February 26, 1907.]

Charter of
the City of
Long
Beach.
Preamble.

WHEREAS, The City of Long Beach, a municipal corporation of 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 ten thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the first day of October, 1906, under and in accordance with the law and the provisions of section 8 of article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of Long Beach; and

WHEREAS, The said charter was on the 3rd day of December, 1906, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said City of Long Beach, and the other copy with the county recorder of said county of Los Angeles, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter, together with two alternative propositions, was thereafter published in the Daily Telegram and in the Long Beach Tribune, each being daily newspapers of general circulation, printed, published and circulated in the said City of Long Beach, and the said charter being published, as aforesaid, for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter; and

WHEREAS, Within not less than thirty days after the completion of said publication the said charter, together with said alternative propositions, was submitted by the Board of Trustees of the City of Long Beach to the qualified electors of said City of Long Beach at a special election previously duly called and therein held on the 5th day of February, 1907, for the purpose of ratifying or rejecting said proposed charter and for adopting or rejecting alternative proposition No. 1, or alternative proposition No. 2, published with said charter and presented with said charter for the choice of said voters and to be voted on separately, said alternative propositions being as follows:

"ALTERNATIVE PROPOSITION No. 1.

Alternative propositions.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tippling house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to hotels containing not less than fifty bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the council; *and provided further*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician, regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

Prohibiting sale of liquors.

Exceptions.

SEC. 2. Any person violating section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had."

Penalty for violation.

"ALTERNATIVE PROPOSITION No. 2.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tippling house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of

Prohibiting sale of liquors.

Exceptions.

California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

Penalty for violation.

SEC. 2. Any person violating section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had."

Alternative proposition No. 2 ratified.

AND WHEREAS, At said last mentioned special election a majority of such qualified voters of said city voting at such special election, voted in favor of a ratification of such charter, as proposed, as a whole; and Alternative Proposition No. Two was also ratified at the same time and in the same manner, and received a majority of the votes of the qualified electors of said city, voting at such special election, and thereupon became Article XIII of said proposed charter; said Alternative Proposition No. One being rejected and failing to receive a majority of the votes cast by the electors at such special election; and

No. 1 rejected.

WHEREAS, The returns of said election were duly canvassed by the said board of trustees of the City of Long Beach at a meeting held on the 11th day of February, 1907, (which such meeting was duly convened); and

WHEREAS, Said board of trustees, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at such special election had voted for and ratified said charter, and had also voted for, adopted and ratified said Alternative Proposition No. Two; and

WHEREAS, Said charter, as so constituted by its ratification as a whole, and by the ratification of said Alternative Proposition No. Two, is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI, of the Constitution of the State of California; and

WHEREAS, Said charter, so ratified, is in the words and figures as follows, to wit:

Charter.

CHARTER FOR THE CITY OF LONG BEACH.

ARTICLE I.

BOUNDARIES OF THE CITY AND OF THE WARDS AND GENERAL POWERS.

Boundaries of city.

SECTION 1. The municipal corporation now existing, known as the City of Long Beach, shall continue to be a body corporate and politic under the name of the City of Long Beach and with the following boundaries, to-wit:

Description of Boundary of the City of Long Beach as incorporated on December 6, 1897.

Of original city.

Commencing at the southeast corner of Anaheim Road and Alamitos Avenue, and running thence westerly along the south boundary line of said road to its intersection with the west

boundary line of Long Beach Township; thence southerly along the said westerly boundary line of Long Beach Township to the shore of the Pacific Ocean; thence due south three English miles; thence running easterly and parallel with the shore of the Pacific Ocean to a point three English miles due south of the east boundary line of Sixth Place, as shown by map of Alamitos Beach Townsite, recorded in book 59, pages 11 and 12, miscellaneous records of said county; thence north to the intersection of the east boundary line of Sixth Place with the shore of the Pacific Ocean; thence northerly along the east line of Sixth Place, across Ocean Avenue, to a point 100 feet east of the east line of Descanso Avenue; thence northerly parallel with Descanso Avenue to the south boundary line of Bishop street; thence westerly along the south boundary line of Bishop street to the southwest corner of Bishop street and Descanso Avenue; thence northerly along the west boundary line of Descanso Avenue to the south boundary line of Fourth street; thence westerly along the south boundary line of Fourth street to the east boundary line of Alamitos Avenue; thence northerly along the east boundary line of Alamitos Avenue to the place of beginning.

Description of Boundary annexing Terminal Island and East San Pedro August, 1905.

Beginning at the northwest corner of the City of Long Beach, in the County of Los Angeles, California, thence westerly along the southerly line of the Anaheim Road 7104.2 feet, more or less, to a point 200 feet east of the northeast corner of Block 26, Range 8, of Wilmington, as per Los Angeles County Clerk's field Map, No. 80, Los Angeles County Superior Court case No. 6395, Banning vs. Banning; thence south 3 degrees east 1061.2 feet to a point; thence southwesterly 4200 feet to a point, said point being south 43 degrees, one minute, 23 seconds east, 1000 feet distant from the center line of the right of way of the Southern Pacific Railroad Company; thence southwesterly and parallel with the said center line to a point in the line between the northwest and southwest quarters of Section 8, Township 5 south, Range 13 west, S. B. M. (Patent 9, 274); thence southwesterly in a direct line to the northeast corner of the City of San Pedro; thence southerly along the easterly boundary of the City of San Pedro, to the southeast corner of said City of San Pedro; thence southeasterly to a point 1200 feet due south of the United States Government triangulation point on Dead Man's Island; thence south 70 degrees east to a point three miles distant from the coast line of the Pacific Ocean; thence easterly and parallel with said coast line to the southwest corner of the City of Long Beach; thence northerly along the westerly boundary line of the City of Long Beach to the place of beginning.

Of Terminal Island and East San Pedro.

Description of the Boundary of the Territory East of the City of Long Beach, annexed October 1905, by Resolution No. 612.

Beginning at the northwest corner of Lot 16, Block 132, Alamitos Beach Townsite, as per map recorded in book of

Of territory east of city.

Maps 1, page 63, Records of Los Angeles County; thence easterly along the southerly line of the alleys running through Blocks 132, 131, 130, 129, 128 and 127 of said Alamitos Beach Townsite to the intersection of its prolongation with the easterly line of Junipero Avenue; thence southwesterly along the easterly line of said Junipero Avenue to its intersection with the northerly line of Railway street; thence easterly along said northerly line to a point 100 feet easterly of intersection of the prolonged easterly line of Paloma Avenue with the said northerly line of Railway street; thence in a line south 14 degrees west to a point three miles distant from the shore of the Pacific Ocean; thence westerly and parallel with the shore line of the Pacific Ocean to the southeast corner of the City of Long Beach; thence northerly and along the east boundary of the City of Long Beach to the point of beginning.

Description of the Boundary of the Territory North and West of Long Beach, annexed December, 1905.

Of territory north and west of city.

Commencing at the corporate limits of the City of Long Beach at the intersection of the south line of Anaheim Road or street and the easterly line of Alamitos Avenue, thence northeasterly to the northeast corner of the intersection of Anaheim Road or street and Alamitos Avenue; thence west along the north line of Anaheim Road or street to the east line of Atlantic Avenue; thence north along the east line of Atlantic Avenue to the north line of Hill street; thence west along the north line of Hill street to the west line of Pacific Avenue; thence south along the west line of Pacific Avenue to the north line of State street; thence west along the north line of State street and the prolongation of the said north line of State street, west to its intersection with the compromise line between the Ranchos San Pedro and the Ranchos Los Cerritos; thence south 85 degrees west to a point on the easterly line of Wilmington or "New San Pedro," as shown on map in Book 6, page 66 of Deeds, in the records of Los Angeles County; thence south 17 degrees 25 minutes east (Magnetic Course) to Station C of the survey of said "New San Pedro;" thence south 43 degrees west (Magnetic Course) 73.60 chains to Station B of the survey of said "New San Pedro;" thence south 82 degrees 30 minutes east (Magnetic Course) 300 feet to a point; thence south 7 degrees 30 minutes west (Magnetic Course) 393.28 feet to a point; thence south 34 degrees west (Magnetic Course) 400 feet to a point; thence south (Magnetic Course) 878.72 feet to a point; thence south 57 degrees 30 minutes west (Magnetic Course) 442.68 feet to a point; thence north 80 degrees 45 minutes west (Magnetic Course) 1222 feet to a point; thence north 86 degrees 15 minutes west (Magnetic Course) 1294.82 feet to a point; thence north 2 degrees 30 minutes west (Magnetic Course) 397.29 feet to a point; thence north 78 degrees 45 minutes west (Magnetic Course) 130.53 feet to a point; thence south 65 degrees 45 minutes west (Magnetic Course) 474.21 feet to a point; thence north 24 degrees 15 minutes west (Magnetic Course) 300

feet to a point; thence south 65 degrees 45 minutes west (Magnetic Course) 23.36 chains to a point, said point being Station O of said survey of "New San Pedro"; thence south 88 degrees 45 minutes west (Magnetic Course) 10.46 chains to Station P of said survey; thence south 72 degrees 35 minutes west (Magnetic Course) to a point in the Wilmington and San Pedro Road, as shown on County Surveyor's field map 1024; thence following said Road survey as shown in said County Surveyor's map 1024 in a general southwesterly and westerly direction to its intersection with the San Pedro branch of the Los Angeles Interurban Railway, the said intersection being between stations 88 73.5 and 99 29 of said County Survey No. 1024; thence easterly in a straight line to a point in the center line of the right of way of the Southern Pacific Railroad from San Pedro to Wilmington, said point being 1920 feet northerly measured along said center line of the said Southern Pacific Railroad, from its intersection with the present northerly boundary line of the City of San Pedro; thence easterly to a point in the line between the northwest and the southwest quarters of Section 8, Township 5 south, Range 13 west, S. B. M. (Patent 9-274) said point being 1000 feet distant from the center line of the Southern Pacific Railroad, and being also a point in the present westerly boundary line of the City of Long Beach; thence northeasterly along the present boundary line of the City of Long Beach parallel with the Southern Pacific Railroad and 1000 feet therefrom to a point described in the present westerly boundary line of the City of Long Beach as being south 43 degrees 1 minute 23 seconds east and 1000 feet distant from the center line of the Southern Pacific Railroad; thence northeasterly along the present boundary line of the City of Long Beach 4200 feet to a point; thence along said boundary line of the City of Long Beach north 3 degrees west 1061.2 feet to a point in the southerly line of the Anaheim Road, said point being 200 feet east of the northeast corner of Block 26, Range 8 of Wilmington, as per Los Angeles County Clerk's field map No. 80, Los Angeles County Superior Court Case No. 6395; thence easterly along the southerly line of Anaheim Road to the point of beginning.

Boundaries of City Wards.

All that part of the City of Long Beach lying east of the center line of Alamitos Avenue shall constitute the First Ward.

Ward boundaries.

First ward.

All that part of the City of Long Beach lying between the center line of Alamitos Avenue and the center line of Linden Avenue and south of the center line of Anaheim street shall constitute the Second Ward.

Second ward.

All that part of the City of Long Beach lying between the center line of Linden Avenue and the center line of Pine Avenue and south of Anaheim street shall constitute the Third Ward.

Third ward.

All that part of the City of Long Beach lying between the center line of Pine Avenue and the center line of Magnolia

Fourth ward.

Avenue and south of Anaheim street shall constitute the Fourth Ward.

Fifth ward. All that part of the City of Long Beach lying between the center lines of Magnolia Avenue and Magnolia Lane and the west line of Long Beach Township shall constitute the Fifth Ward.

Sixth ward. All that part of the City of Long Beach lying west of the west line of Long Beach Township shall constitute the Sixth Ward.

Seventh ward. And all that part of the City of Long Beach lying between the center lines of Magnolia Lane, Magnolia Avenue and Pacific Avenue north of State and the center line of Atlantic Avenue and north of the center line of Anaheim street shall constitute the Seventh Ward.

GENERAL POWERS.

Powers of city. SEC. 3. The said city shall continue vested with all the property of every kind belonging to it and shall have the power:

Succession. First—To have perpetual succession,
Seal. Second—To have and use a corporate seal and alter it at pleasure.

Sue and defend. Third—To sue and be sued in all courts and places and in all actions and proceedings whatever.

Hold property. Fourth—To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, and control and dispose of the same for the general benefit.

Receive bequests. Fifth—To receive bequests, devises and donations of property, both within and without the corporate limits of the City of Long Beach, in the manner and for the purposes, and upon such trusts and conditions as are now or may hereafter be in accordance with the general law.

Public buildings. Sixth—To acquire, erect, construct, and maintain public buildings, schools, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, work houses, piers, wharves, museums, life saving stations, pavilions, morgues and crematories.

Parks. Seventh—To acquire, improve and maintain public parks, cemeteries and sewer farms, both within and without the city, to regulate the same and to exclude cemeteries from the limits of the city or any portion thereof and to discontinue the same.

Heat, light and power. Eighth—To provide for supplying the city and its inhabitants with water and gas, electricity or either, or with other means of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, *provided* the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that two thirds of the vote cast on the question of the said issue of bonds shall have been cast in favor thereof.

Ninth—To provide for the care of the sick and the helpless and to make regulations to prevent the spread of epidemic, contagious and loathsome diseases. Care of sick.

Tenth—To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, oil, surface, resurface and improve streets, alleys, sidewalks, crossings and other highways and public squares and places and to make provision for cleaning, sprinkling and oiling the same. Improve streets.

Eleventh—To build, alter, improve, keep in repair and control the water front of said city; to build, alter, improve and keep in repair wharves, piers, chutes, and to fix the rate of wharfage and transit; to provide for the regulation of berths, landing, stationing and removing of steamboats, sailing vessels, rafts and other crafts, and to fix the rate of speed at which steamboats and other craft may run along the water front of the city. Control water front.

Twelfth—To provide against the existence of filth, garbage and other injurious and inconvenient matter within the city and for the disposition of the same. Garbage.

Thirteenth—To levy and collect taxes upon all property for all municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of principal and interest on any bonds of the said city or for school purposes, shall not exceed one dollar on each one hundred dollars worth of taxable property in the said city, except as hereinafter provided. And to levy assessments upon property to pay for the improvement of streets and other public improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes; *provided*, that the tax levied for any one year, for all municipal purposes, other than payment of interest on the municipal debt and the redemption of bonds, or for school purposes, shall not exceed \$1. on each \$100.00 worth of taxable property. Levy taxes.

Fourteenth—To levy taxes exceeding the limit permitted in this charter; *provided* that before such levy can be made the proposition to make such levy shall have been first approved by three-fifths of the qualified electors of the city voting at a special election called for that purpose by the city council. Same.

Fifteenth—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 said city, and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades and callings, occupations and kinds of business in said city and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress, prohibit, hawking, peddling, and the carrying on of any laundry, livery and sale stable, cattle or horse corral, feed yard, horse clipping establishment, billboards, planing mills, rolling mills, oil wells, furnaces, chimneys and smokestacks, tanks or refineries, foundries, brick yards, slaughterhouses or butcher shops, and the keeping of bees, cattle, poultry or pigeons within the limits or within any designated portion License taxes.

of said city; and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, saloons, bars, bar rooms, or any other places where spiritous, vinous, malt or other intoxicating liquors are sold or given away, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.

Explo-
sives.

Sixteenth—To regulate or prohibit the sale, keeping, storing and use of powder, fireworks, dynamite, nitro-glycerine and other explosive materials and substances, the places 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.

Railroad
tracks.

Seventeenth—To require every railroad corporation or company to pave and keep in repair between the tracks and for the distance of two feet on each side of the tracks, all streets occupied or used by such corporation or company.

Public ser-
vice rates.

Eighteenth—To fix and determine annually the rates of compensation to be collected by any person, firm, company or corporation in the city for the use of water, gas and electricity, or any public service supplied to the city or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of any and all ordinances passed in reference to matters contained in this subdivision.

Public
entertain-
ment.

Nineteenth—To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met.

Printing.

Twentieth—To contract for all necessary printing.

Speed of
cars.

Twenty-first—To regulate the speed of railway engines, cars and trains passing through or operating within the city, and to require railway companies either to station flagmen 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; to regulate the speed with which persons may ride or drive or propel bicycles, tricycles, automobiles or other vehicles, or drive any horse or other animal along or upon any of the streets or highways of the city.

Create
offices.

Twenty-second—To create offices other than those established by this charter or by the general laws, whenever the public convenience or necessity may require the same, and to prescribe the duties pertaining to the offices thus created, and to provide for the election or appointment, and to fix the compensation of the officers to fill the same. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.)

Police
regula-
tions.

Twenty-third—To make, adopt and enforce all necessary rules and regulations for the prevention 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.

Twenty-fourth—To prescribe the manner in which, the times Elections. at which, and the places where elections shall be held in said city, and to appoint the officers to conduct such elections and provide for their compensation.

Twenty-fifth—To make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine or imprisonment; *provided, however,* that such fine shall not exceed five hundred (\$500.00) dollars and such imprisonment shall not exceed six months. Provide penalties.

Twenty-sixth—To acquire, by purchase, condemnation or other lawful means, property, both real and personal, including water and water rights, within or without the corporate limits, necessary or convenient for municipal purposes, or for the exercises of the powers granted to said corporation. Acquire property.

Twenty-seventh—To regulate or control the carrying of freight through any part of the city on, along or upon any of its streets or alleys. Carrying of freight.

Twenty-eighth—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not, except such powers as are forbidden or controlled by general law. General police powers.

Twenty-ninth—No franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by a vote of two-thirds of the whole council, nor for a longer period than twenty-one years. Such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three years nor less than six months before the termination of such grant, the plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any valuation derived from the franchise. *Provided, however,* that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant. Option of city to purchase.

ARTICLE II.

OFFICERS.

Officers of
city.

The officers of the city shall be:
 A Mayor
 Seven members of the City Council
 A Clerk who shall be ex-officio Assessor
 Attorney
 Treasurer
 Police Judge
 Auditor
 Tax and License Collector
 Board of Public Works
 Civil Service Commission
 Police Commission
 Fire Commission
 Board of Health
 Library Commission
 Board of Education

Bond and
oath of
office.

SEC. 2. Every officer provided for in this charter shall, within ten days after receiving his certificate of election or appointment, qualify by giving the bond required by this charter or the ordinances of the city, and by taking or subscribing 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 and laws of the State of California, and I will faithfully discharge the duties of the office according to the best of my ability."

ARTICLE III.

SALARIES OF OFFICERS.

Salaries of
officers.

SECTION 1. The officers of this city, in this section named, shall receive, in full compensation for all services rendered by them the following salaries, payable in equal monthly installments at the end of each calendar month, viz:

The mayor, eighteen hundred dollars per annum;

Each member of the council, three dollars for each regular meeting of the council which such member shall attend: *provided* that the number of meetings for which compensation shall be paid shall not exceed five during any month;

The clerk who is ex-officio assessor, twelve hundred dollars per annum;

The treasurer, five hundred dollars per annum;

The city attorney, fifteen hundred dollars per annum;

The tax and license collector, one thousand dollars per annum;

The auditor, one thousand dollars per annum;

The police judge, one thousand dollars per annum.

Certain
officers,
no salaries
for.

SEC. 2. Except as is otherwise herein provided, the members of the various boards and commissions will serve without compensation.

SEC. 3. In all cases not otherwise provided for in this charter the city council shall, by ordinance, fix the salaries and other compensation of officers and employees.

SEC. 4. No officer or employee of the city shall receive or accept any fee, recompense or compensation for the discharge of any duty of his office from any person or corporation other than the city. Fees prohibited.

ARTICLE IV.

BONDS OF OFFICERS.

SECTION 1. Officers and employees of the city before entering upon the discharge of their official duties shall give and execute to the city such official bonds as may be required by general law, this charter or the ordinances of the city. Official bonds.

SEC. 2. When the amount of bond is not fixed by law or by this charter, it shall be fixed by an ordinance of the city council. How fixed.

SEC. 3. Every bond given by any officer or employee must be approved as to form by the city attorney, and all bonds, excepting the bond of the mayor, must be approved by the mayor. The bond of the mayor must be approved by the council and such approval must be endorsed thereon by the president of that body. The approval of every official bond must be endorsed thereon and signed by the officers approving the same. Upon the approval of a bond it must be recorded in the office of the city clerk in a book kept for that purpose. After recording, the bond of the mayor shall be filed and kept in the office of the city clerk. All other official bonds shall be filed and kept in the office of the mayor. Approval of bonds.

SEC. 4. The following named officers shall execute official bonds to the city with sureties in the following sums, viz: Amounts of bonds.

- The mayor, in the sum of ten thousand dollars;
- The treasurer, in the sum of fifty thousand dollars;
- The clerk and ex-officio assessor, in the sum of ten thousand dollars;
- The auditor, in the sum of ten thousand dollars;
- The tax and license collector, in the sum of fifty thousand dollars;

The police judge, in the sum of five thousand dollars;
Such other and additional bonds may be required from time to time as the city council may deem proper.

SEC. 5. The city may at any time, by ordinance, increase the penal sum of any such bonds. May be increased.

SEC. 6. No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond. Every such bond shall contain a condition that the principal will perform all official duties then, or which may thereafter be imposed upon or required of him by law, by ordinance or by this charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such. Such bond must also be executed by two or more sureties who shall justify in the amount required for such bond; but when the amount of the bond is more than five Condition of bond.

thousand dollars the sureties may become severally liable for portions thereof, not less than one thousand dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal the amount of the bond. In giving such official bonds, the principal giving the same may furnish as one of the sureties, or as the sole surety thereon, any of the lawfully authorized surety companies described in sections ten hundred and fifty-six and ten hundred and fifty-seven of the Code of Civil Procedure of the State of California.

Corporation
surety.

Qualifica-
tions of
sureties.

SEC. 7. Every surety upon an official bond, other than such lawfully authorized surety companies, must make affidavit which shall be endorsed upon such bonds, that he is a resident of the county of Los Angeles, that he is the owner of real estate therein over and above such as is legally free from execution or forced sale worth double the amount of his undertaking. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the aforesaid officers whose duty it is to approve such bonds.

Additional
bonds.

SEC. 8. The city council may, by resolution, adopted at a regular meeting, require of any officer or employee an additional bond whenever in the opinion of such council the bond given by such official or employee for any reason becomes insufficient.

Liability
on bond.

SEC. 9. Every officer of the city shall be liable on his official bond for the acts and omissions of his deputies, assistants or clerks appointed by him, and may exact for his protection bonds from such deputies, assistants and clerks.

Bonds of
other
officers.

SEC. 10. Where not otherwise provided by this charter, the council may by ordinances require any officer, deputy, assistant, clerk or employee of the city, or of any of its departments, to give to the city bonds for the faithful performance of official duty, and may fix the amount of such bonds, and prescribe the conditions thereof, but the qualifications of sureties thereto shall be as otherwise prescribed in this article in respect to the official bond required thereunder.

ARTICLE V.

EXECUTIVE DEPARTMENT—MAYOR.

Mayor.

SECTION 1. The chief executive officer of the city shall be designated the mayor. He shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for two years and until his successor has been elected and has qualified.

Duties.

SEC. 2. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public

funds and property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. Any defalcations or willful neglect of duty, or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the city council or before such other authority as the provisions of this charter may require, in order that the public interests may be protected and the person in fault be proceeded against according to law.

SEC. 3. He shall take proper measures for the preservation of public order and the suppression of all riots and tumults and shall perform all such other duties as may be imposed upon him by the laws of the state, this charter and the ordinances of the city. Public order.

SEC. 4. When and so long as the mayor is absent or for any reason is unable to perform his official duties, the president of the council shall act pro tempore. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired term by the council, assembled for that purpose. A member of the council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy. Mayor pro tempore.

TREASURER.

SEC. 5. The treasurer shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified. Treasurer.

SEC. 6. The treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise and 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 or by this charter; 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 quarterly statement to the city council of all his receipts and disbursements during the preceding quarter, and shall do all things required of him by the city ordinances and this charter. Duties.

CITY CLERK.

SEC. 7. The city clerk shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office City clerk.

for two years and until his successor has been elected and has qualified.

Duties.

SEC. 8. The city clerk shall have the custody of and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council and of the board of equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances, contracts and all other documents of permanent public value. He shall keep all books properly indexed and open to public inspection when not in actual use. He shall make out, sign and deliver to the city auditor all licenses and perform such other duties as are or shall be imposed by this charter or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the city hall, and of all personal property, the custody of which has not been otherwise provided for.

As as-
sessor.

As assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation, and shall collect such taxes upon personal property as by this charter are required to be collected by him.

TAX AND LICENSE COLLECTOR.

Tax and
license
collector.

SEC. 9. The tax and license collector shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

Duties.

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 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.

AUDITOR.

Auditor.

SEC. 10. The auditor shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office

for two years and until his successor has been elected and has qualified.

He shall pass on all bills allowed by the council and shall keep a full and complete record of the same; he shall keep himself thoroughly informed at all times as to the financial affairs of the city, shall make a quarterly report showing condition of all funds, and shall keep an independent set of books which shall be at once a complete history of all financial transactions and an absolute check on all the other officers of the city who shall have to do with the public moneys; he shall apportion all the city revenues for which provision is not otherwise made; he shall countersign all licenses and permits; he shall examine all books, papers and accounts of the city officers at least once each quarter and correct all irregularities and bring any malfeasance in office at once to the attention of the council or such other authority as may have had the matter given in charge by this charter, so that the public may be safeguarded; he shall be provided by the city with an office in a public place where the public may, at all reasonable hours, examine the books, learn the exact condition of the treasury or obtain any other information regarding the transaction of the public business that may be desired.

Duties.

ATTORNEY.

SEC. 11. The city attorney shall be a citizen and elector of the state and shall have been resident of the city for the two years next preceding the day of his election. He shall have been duly admitted to the practice of his profession by the supreme court of the State of California. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

City attorney.

The attorney shall prosecute in behalf of the people all criminal cases arising from violations of the ordinances of the city, and shall attend to all suits, matters and proceedings in which the city may be legally interested; *provided*, that the city council shall have control of the 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 forms 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 or all proposed ordinances for the city or amendments thereto; and shall do and perform all such things touching his office as the city council or the mayor may require of him. On vacating the office he shall surrender all books, papers, files and documents pertaining to the city business to his successor.

Duties.

ARTICLE VI.

LEGISLATIVE DEPARTMENT.

City
council.

SECTION 1. The legislative powers of the city shall be vested in a council of seven members, *provided, however,* that such legislative powers shall be exercised subject to the veto power of the mayor, as in this charter provided.

Member-
ship.

SEC. 2. The qualified electors of each ward in the city shall nominate and elect one member of the city council. Each member of the council shall be a citizen and elector of the state; he shall have been a resident of the city for the two years next preceding the day of his election and he must be a resident of the ward from which he is nominated. He shall hold office for two years and until his successor has been elected and has qualified.

Veto
power.

SEC. 3. The mayor shall have the right of veto and five votes shall be required to pass any measure over such veto.

Presiding
officer.

SEC. 4. The mayor shall be the presiding officer of the council but that body shall elect one of its members to be "President of the Council" who shall perform the functions of the mayor in his absence or disability.

Quorum.

SEC. 5. Four of the members of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or may compel the attendance of other members in such manner and under such penalties as the council may prescribe. No order except to adjourn for want of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receives a majority vote of the quorum necessary for the transaction of business.

Ordi-
nances.

SEC. 6. Ordinances and resolutions are the formal acts of the 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 council and spread upon the minutes. No ordinance shall have any effect without the signature of the mayor. All ordinances after passage by the council, must be submitted to the mayor who shall, within seven days after he has received the same, indorse his approval or disapproval thereon, giving his reasons for disapproval. Whenever the mayor allows the seven days to pass without returning an ordinance to the council with his approval or disapproval, such failure on his part shall be construed to indicate approval and the ordinance shall have the same force, validity and effect as though signed and returned within the time specified. No ordinance shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, and neither ordinance nor resolution shall be of full force and effect unless it shall have received the affirmative votes of four members of the council; *provided, however,* that any ordinance may be passed over the veto of the mayor by an affirmative vote of five members, and when so passed shall have the same force and effect as when regularly passed and signed by that official.

Approval.

SEC. 7. The enacting clause of all ordinances shall be "The Mayor and the City Council of the City of Long Beach do ordain as follows:" Enacting clause.

SEC. 8. All ordinances adopted under this charter shall be published in the English language at least once in a bona fide newspaper that has been published in the City of Long Beach for at least one year prior to the time of being granted the contract for city printing. Publication.

SEC. 9. All meetings of the city council shall be public and a journal of its proceedings shall be kept by the city clerk under its direction and the ayes and noes shall be taken and entered in the journal on the final action of the city council in the granting of franchises, in the authorization of contracts, in the ordering of work to be done or supplies furnished, in the ordering of assessment for the improvement of streets or the building of sewers, the passage of any ordinance, on any vote involving the expenditure of the public money, and in all other cases upon the call of any member. Meetings must be public.

SEC. 10. The council shall have power:

To fix the time and place of its meetings, to compel the attendance before it of witnesses and the production of papers in any matter under investigation, to judge of the qualification and election of its own members and to punish any member or other city officer, by fine of not exceeding \$50.00, for disorderly or contemptuous behavior in its presence. General powers of council.

To make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, or of the State of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city and for carrying into effect the provisions of this charter. Pass ordinances.

To levy and collect taxes and assessments for city purposes on all property within the city which is by law taxable for state and county purposes. Levy taxes.

To provide for the lighting of the streets and public buildings and places of the city and to regulate such lighting. Light streets.

To regulate the use and sale of gas, electric and other light in the city, to fix and determine the price thereof, as well as the rental price of all electric and gas meters within the city, and to provide for the inspection of such meters. Regulate sale of gas.

To regulate telephone service and the use of telephones and to fix and determine the charges for telephones, telephone service and connections within the city. Telephone service.

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. Cause wires to be buried.

To regulate, license or prohibit the construction and use of billboards and signs adjacent to or near the streets, alleys and public places of the city. Billboards.

- Dogs.** To license and regulate the keeping of dogs and to prevent the same from running at large, and to authorize the destruction thereof.
- Pounds.** To establish pounds and pound districts which shall be under the supervision and control of a poundmaster, and to restrain the running at large of poultry, horses, mules, cattle, swine, sheep and other animals, and to authorize the destruction or sale of the same.
- Markets.** To establish, license or regulate markets and market houses.
- Food inspection.** 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 or having or keeping within the city of such unsound, adulterated or unwholesome products.
- Bread.** 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.
- Fuel.** To provide for and regulate the manner of weighing hay, straw, and coal and any other commodity and the selling of the same, and the measuring and selling of firewood within the limits of the city.
- Weights and measures.** To provide for the inspection and selling of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.
- Regulate construction of buildings.** To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bathrooms, water closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations.
- Fire escapes.** 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.
- Dangerous chimneys.** 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 material, in unsafe places, and to make provisions to guard against fire.

To prescribe the fire limits and determine the character and height of buildings that may be erected therein and the nature of the material to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within said fire limits. Fire limits.

To regulate the entrance to and exit from all theaters, lecture rooms, public halls, schools, 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. Exits from theaters.

To regulate or prohibit the operation of blasts and blasting 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. Inspection of engines.

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. Nuisances.

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. Lodging-houses.

To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale or sell any of their products within the city. Dairies.

To provide for the naming of the streets and the numbering of houses, and to regulate or prohibit the exhibition of banners, flags, placards or signs across the streets, sidewalks or public places of the city. Signs across streets.

To regulate or prohibit the loading or storing of gunpowder and other combustible and explosive materials in the city and the transportation of the same through the streets of the city. Explosives.

To regulate the speed of railway trains, engines and cars passing through the city and the speed of cars of street railway companies to station flagmen, place gates or viaducts at all such street crossings as it may deem proper; to require street cars to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, tricycles, automobiles or other vehicles along or upon any of the streets or highways of the city. Speed of railway trains.

- Hack charges.** 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.
- Street railroads.** To regulate street railroads, their tracks and cars; to compel the owners of two or more of such roads using the same street for any distance, not exceeding five blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.
- Trees and shrubbery.** To prohibit the injury to 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.
- Grant of rights to use streets.** To grant the right to erect or lay telegraph or telephone wires, to construct and operate street railroads, to erect poles and wires, or lay conduits for transmitting electrical energy for lighting or power purposes along or upon 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.
- Care of prisoners.** To make arrangements for the care, feeding and clothing of all persons in prison by municipal authority or sentenced to imprisonment by the police court, and to provide that all such persons shall work upon the streets, or do other public work.
- Vagrants.** To restrain or punish vagrants, mendicants, street beggars and lewd persons, and prevent diseased, maimed, injured or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness, and all obnoxious, offensive, immoral, indecent and disorderly conduct and practices in the city.
- Public health.** To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, 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 disease.
- Sale of property.** 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.
- Cruelty to animals.** 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.
- Boulevards.** To set apart and dedicate as a boulevard or boulevards any street or streets or portions of a street or streets in the city.
- Police and fire.** To maintain police and fire departments.
- Suspend officers.** To suspend any officer of the city pending trial against whom any criminal proceeding or any civil action for the recovery of any money due the city has been commenced, and the council shall appoint a substitute for such officer during his suspension; *provided, however,* that where the said officer

has been first appointed by the mayor he shall be suspended by and the substitute appointed by that official during the suspension, such appointment to be made subject to the conditions of the original appointment. In voting upon the suspension or removal of officers the council shall vote by ayes and noes, and the same shall be taken and entered upon the journal.

To adopt and enforce by ordinance all such measures and to establish all such regulations, in case no express provision is in this charter made, as the council may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals and the suppression of vice in the city. Ordinances in general.

To pass ordinances upon any other subject of municipal control or to carry into force or effect any other powers of the municipality.

To adopt by ordinance at any time any provision made by the general law of the State of California for the levy and collection, or either of them, of city taxes by and through the officers of the county. Levy of taxes.

To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and it may by ordinance prescribe for any officer duties in addition to those herein prescribed, when the same are not inconsistent with the provisions of this charter, and may fix the hours during which the public office of any city officer shall remain open, if not otherwise herein provided for. Prescribe duties of officers.

If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty days without the consent of the council, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connected with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than twenty days without the consent of the council, his office shall thereupon be declared vacant by the council and the vacancy shall thereupon be filled by the council; except in case of those officers appointed by the mayor when the vacancies shall be filled by that official in like manner as the appointment was first made. Vacancies in office.

ARTICLE VII.

BOARDS AND COMMISSIONS.

Department of Public Works.

SECTION 1. There is hereby created a department of said city to be known as the Department of Public Works, which shall be under the management and control of a board of three commissioners, to be known as the Board of Public Works. Board of public works.

Commissioners. Said commissioners shall be appointed by the mayor, subject to the confirmation of a majority of the council. All such appointments shall be so made that not more than two members of the board shall, at any time, belong to the same political party. Each of said commissioners shall receive an annual salary to be fixed by the city council, and shall give a bond to the city in the sum of ten thousand dollars, conditioned for the faithful discharge of the duties of his office.

Term of office. The term of office of the members of the board of public works shall be two years. If any vacancy occurs it shall be filled for the unexpired term by the mayor with the affirmation of the council.

Organization. The commissioners shall organize by electing one of their number president, who shall hold his office for one year, and until his successor is elected, unless his membership on the board sooner expires.

Meetings. The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners shall devote all their time during official business hours to the duties of their office.

Secretary. The city clerk shall be ex-officio secretary of the board. He shall keep a record of all its transactions, specifying therein the names of all the commissioners present at the meetings, and give 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 upon him.

The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

Civil engineer. The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated the city engineer. He shall receive such salary as the council shall provide by ordinance, and shall hold office at the pleasure of the board. The city engineer herein provided for shall be the successor in office of the city engineer. He shall perform all the civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board. 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 city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary. All field books, notes, maps, and profiles compiled by such engineer shall be the property of the city and must be turned over by him to his successor as part of the official records of the office.

Duties.

The board of public works shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ and for good cause remove, such superintendents, inspectors, clerks and employees as the city 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.

Rules for government of department.

SEC. 2. The board shall, from and after the first organization thereof, be the successor in office of the street superintendent, and of the superintendent of buildings and plumbing, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

Board succeeds certain officers.

SEC. 3. 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 the city council relating to:

Powers and duties.

The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any street, avenue, lane, alley, court or place, or in the construction of any sewer or drain, ordered by the city council in or over the right of way granted or acquired for such purpose;

The examining, considering and declaring of such proposals or bids;

The awarding, letting and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of such proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor;

The approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time in which such work shall be commenced and completed.

The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the awards of contracts for any of the work mentioned in this section.

The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

The president 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 the mayor relating to the approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work.

Duties of president.

Duties of secretary.

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 the city clerk or the clerk of the city council relating to:

The receipt, care and custody of proposals and bids for doing any of the work mentioned in this section;

The care and custody of all checks and bonds accompanying such proposals or bids.

Superintendence, what board shall have.

SEC. 4. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council:

Of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts now open or which may hereafter be opened in the City of Long Beach;

Of the manner of their use and occupation;

Of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same;

Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and all connections therewith;

Of the cleaning, sprinkling, maintenance, repair and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts; the lighting of all public parks, and the lighting, heating and ventilating of all public buildings belonging to the city;

Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city;

Of the disposal of the garbage, sewage and street refuse;

Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, except such as may be placed under other control herein.

Construction of buildings.

SEC. 5. The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition, or removal of buildings or structures in the city; and of the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating, and electrical and mechanical appliances therein.

Contracts, manner of letting.

SEC. 6. All contracts for the performance or furnishing of labor, services, material, or supplies required for the execution of any work or service of which the board of public works has charge superintendence or control, except public work or improvement the cost and expenses of which are to be paid by assessment on property in proportion to frontage or benefits, shall be let or entered into in behalf of the city by the board of public works in the following manner:

Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution, authorizing such contract, cause a notice to be published conspicuously in its office, and published once in a newspaper of general circulation printed and published in the

City of Long Beach, inviting sealed bids for the performance of the work or service, or the furnishing of the materials or supplies contemplated. Said notice shall require the bids to be filed with the board at or before a certain hour of a day not less than five days subsequent to the day of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, material or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, 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 is awarded to him, and the form and manner of making bids, may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond, and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received, and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular, responsible bidder, or shall reject all bids. The board may reject any or all bids, and shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular, responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service, or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract or to execute the bond required for the faithful performance thereof within ten days after the same is awarded to him, 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. Every contract entered into by the board shall first be approved as to form by the city attorney and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of material or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board, and by the other contracting party. The contractor shall enter into

Guarantee
on bids.

Award of
contract.

Bond.

and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor, and by a responsible surety company, or by two or more sufficient sureties approved by the board.

Urgent repairs.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board, a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than five hundred dollars, the resolution of the council authorizing the same shall, before it takes effect, be approved by the mayor.

Documents, by whom to be signed.

SEC. 7. All instruments, warrants, records, certificates, notices or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

THE DEPARTMENT OF CIVIL SERVICE.

Department of civil service.

SECTION 1. There is hereby created a department of said city to be known as the Department of Civil Service, which shall be under the management and control of a board of three commissioners to be known as the Civil Service Commissioners.

Commissioners.

Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be so made that not more than two members of the board shall at any one time belong to the same political party. The members of this commission shall serve without compensation.

Term of office.

The term of office of the civil service commissioners shall be two years. If any vacancy occurs the mayor shall fill the same for the unexpired term by appointment, with the affirmation of the council.

Organization.

The commissioners shall organize by electing one of their number president and one secretary and they shall hold office for one year and until their successors have been elected and have qualified, unless the membership of either on the board sooner expires.

Mayor may remove.

SEC. 2. The mayor, with the consent of the council, may remove any commissioner for incompetency, neglect of duty or malfeasance in office.

Classification of offices.

SEC. 3. Said commission shall classify all the offices and places of employment mentioned in section 11 of this subdivision with reference to examination herein provided for. The offices and places so classified by the commission shall constitute the classified civil service of the city; and no appointment to any such offices or places shall be made except under and according to the rules hereinafter mentioned.

Rules.

SEC. 4. Said commission shall make rules to carry out the purposes of this article and for the examinations and appoint-

ments in accordance with its provisions, and the commission may, from time to time, make changes in such rules.

SEC. 5. All rules made as hereinbefore provided, and all changes therein, shall be printed for distribution by said commission. The commission shall give notice by publication in the official paper 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 said publication, when said rules shall go into operation.

Distribu-
tion
of rules.

Sec. 6. 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 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, tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission 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.

Examina-
tion of
applicants
for office.

SEC. 7. Notice of time, place, and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted 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
examina-
tion.

SEC. 8. From the examinations made by the commission it shall prepare a register, in each grade or class of positions, 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 grade or class is not less than the minimum fixed by the rules of said commission and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence, as determined by their examinations without reference to the priority of the date of their examinations.

Register of
applicants.

The commission 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

Unskilled
laborers.

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 which such laborer was employed, and he shall be restored to the original place upon the register.

Promotions.

SEC. 9. The commission by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examinations, 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 the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating; but in fixing said rating a uniform allowance of credits to be stated at the time of the announcement of said examination, shall be made for each year of 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 appointments.

Priority of appointment, unskilled labor.

SEC. 10. The head of the department in which position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission 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.

Priority, except unskilled labor.

The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register, for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor.

Probation.

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 grade or 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 commission 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 commission. 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 officers or board may, under such regulations as the commission 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. 11. The provisions of this article shall apply to the following departments of the city, to wit:

To whom
civil
service
applies.

Police, Fire, and such other departments or employees of the city as may hereinafter be enacted by ordinance.

SEC. 12. No officer or employee in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the board of police commissioners in the case of an officer or an employee in the police department; by the board of fire commissioners in the case of an officer or employee in the fire department; and by the board of civil service commissioners in all other cases. If the board conducting such investigation shall find that sufficient cause is shown therefor, it shall order that such officer or employee be removed or discharged, such finding and decision shall be final, and except in the case of an officer or employee in the police or fire department, shall be certified to and be forthwith enforced by the appointing board or officer.

Removal
of civil
service
officer,
how.

Nothing in this article shall limit the power of any appointing board or officer to suspend a subordinate for a reasonable period, not exceeding thirty days.

SEC. 13. Immediate notice in writing shall be given by the appointing powers, to said commission, of all appointments, permanent or temporary, made in such classified civil 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 commission. 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 commission.

Notice of
appoint-
ments.

SEC. 14. The commission 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.

Conduct
of ap-
pointees.

SEC. 15. Said commission shall make an annual report to the mayor for transmission to the council. The mayor may require a special report from said commission at any time.

Reports.

SEC. 16. All officers of said city shall aid the commission in all proper ways in carrying out the provisions of this article.

Aids to
commis-
sion.

SEC. 17. The council shall furnish said commissioners with suitable offices and shall provide furniture, books, stationery, blanks, heat and light, and is authorized and required to pay

Office
rooms.

such other expenses as may be necessarily incurred by said commissioners in carrying out the provisions of this article.

Falsely
grading
applicants.

SEC. 18. No officer or other person shall willfully or corruptly, by himself or in cooperation 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 willfully 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.

Promise to
pay for
promotion.

SEC. 19. 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, and no other officer or employee shall pay, or promise to pay, either directly or indirectly, any money or valuable thing whatever, for or on account of his promotion.

Notice to
auditor.

SEC. 20. The commission shall certify to the auditor all appointments to offices or places in the classified civil service, or vacancies occurring therein whether by dismissal, resignation or death, and all findings that a person shall be discharged from the classified civil service.

Duty of
auditor.

SEC. 21. The auditor shall not, nor shall any auditing or accounting officer of the city, approve any demand for the salary or wages of any person subject to the provisions of this article, for services as an officer or employee of this city, before the appointment of such person to the classified civil service has been certified, nor after the commission shall have certified to the auditor a finding made or approved by it under the provisions of this article, that such person be discharged from the classified civil service.

Status of
present ap-
pointees.

SEC. 22. 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.

Penalties.

SEC. 23. The city council of the City of Long Beach shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this article.

POLICE COMMISSION.

SECTION 1. The mayor, who shall be ex-officio a member and president of the board, and two citizens, to be appointed by the mayor with the consent of the council, shall constitute the Police Commission of the city. The appointive members of the board shall serve without compensation, not more than two of the entire membership shall be members of the same political party, and one of their number shall be chosen annually to serve as secretary of the board. The appointive members of the board shall serve for two years and until their successor have been appointed and have qualified. Police commission

SEC. 2. The board shall meet at least once a week. Meetings.

SEC. 3. The salaries of members and employees of the police department, not herein elsewhere provided for, shall be fixed by the council by ordinance. Salaries.

SEC. 4. The board shall prescribe the rules and regulations for the government of the members of the police department and fix and enforce the penalties for their violation. Rules.

SEC. 5. The police department shall consist of such officers and members as the council shall by ordinance determine. All appointments and removals in the department shall be made by the board subject to such civil service regulations as are now or may hereafter be in force. Appoint-
ments.

SEC. 6. The board and the officers appointed under its direction shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance. Powers.

FIRE COMMISSION.

SECTION 1. The mayor, who shall be ex-officio member and president of the board, and two citizens, to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the Board of Fire Commissioners of the city. The appointive members of the board shall serve without compensation, not more than two of the entire membership shall be members of the same political party, and one of their number shall be chosen annually to serve as a secretary of the board. The appointive members of the board shall serve for two years and until their successors have been appointed and have qualified. Board of
fire com-
missioners.

SEC. 2. The board shall meet at least once a week. Meetings.

SEC. 3. The salaries of members and employees of the fire department, not herein elsewhere provided for, shall be fixed by the council by ordinance. Salaries.

SEC. 4. The board shall prescribe the rules and regulations for the government of the members of the fire department and fix and enforce the penalties for their violation. Rules.

SEC. 5. The fire department shall consist of such officers and members as the council shall by ordinance determine. All appointments and removals in the department shall be made by the board subject to such civil service regulations as are now or may hereafter be in force. Appoint-
ments.

Powers. SEC. 6. The board and the officers appointed under its direction shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

BOARD OF HEALTH.

Health department. SECTION 1. The health department of the city shall be under the control and management of a board of health consisting of five members, four of whom shall be appointed by the mayor, by and with the consent of the council. The fifth member shall be the mayor who shall be the presiding officer. Members of this board shall serve for two years and without compensation. One of their number shall be elected annually to serve as secretary.

Quorum. SEC. 2. Three members of the board shall constitute a quorum for the transaction of business.

Powers of board. SEC. 3. The board of health shall have supervision of all matters pertaining to the sanitary condition of the city and the public institutions thereof and full powers are hereby given the board over all questions of defective drainage, the disinfection and sanitary cleaning of all public and private places, the inspection of all the city food supplies, and the abatement of all nuisances prejudicial to the health of the citizens or any of them. The board shall exercise a general supervision over and be the custodian of all the death and cemetery records now owned or to be hereafter acquired by the city, and shall cause to be kept in books prepared for that purpose, complete records of all deaths and births occurring in said city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city, and prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and with the consent of the council, may provide a pesthouse and the necessary attendants and supplies for the same or any pesthouse which may be in use.

Expenses. SEC. 4. The council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the board of health may adopt; and all necessary expenses incurred by the board of health in carrying out the provisions of law and this charter shall be provided for by the city council, who are hereby authorized and directed to make an appropriation therefor out of the general fund.

Health officer. Duties of. SEC. 5. The board of health shall have power to appoint a health officer outside their own number whose duty shall be to see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health as well as all records pertaining thereto, and issue all permits for burials, cremations or removals in or from any of the cemeteries of the city, and no interments or cremations shall be made therein unless said

health officer is satisfied of the correctness and reliability of the certificates of death presented for his inspection. He shall have the power of a police officer, and shall make an extended annual report to the board of health of the affairs pertaining to his office, including mortuary and other statistics with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

SEC. 6. The health officer shall visit once in each quarter, all public buildings and school houses in this city. During such visits he shall examine the manner in which they are lighted, ventilated and heated and particularly as to their sanitary condition, and shall promptly report to the board any changes that may seem to him to be needed for the preservation of the public health or of the health of children and teachers.

Visit public buildings.

SEC. 7. The health officer shall promptly report in writing to the superintendents or governing authorities of all schools, the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria, or any contagious or infectious disease. Said superintendents, when so notified, must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician countersigned by the health officer, or from the health officer, that there is no longer any danger from contagion. When a case of a contagious disease is reported to the health officer, he must visit the premises where the person is, and when satisfied that said disease exists, he shall place a flag or conspicuous notice on said premises which shall remain during the continuance of the disease on said premises.

Contagious diseases.

SEC. 8. The health officer may cause to be removed to a smallpox hospital any person in said city affected with smallpox. When a case of smallpox exists in any house and the person so affected is not removed to said hospital or pesthouse the health officer shall immediately place a quarantine flag on said premises and may place a competent person in charge thereof who shall see that a quarantine is strictly enforced so long as public safety requires.

Smallpox

SEC. 9. The health officer shall be a physician, regularly licensed to practice medicine in the State of California, he shall be qualified to perform all the duties of a food and milk inspector and the board of health shall require of him such inspections of sufficient frequency and thoroughness to thoroughly safeguard the food and milk supplies of the city. He shall perform such other duties as the council and board of health may require of him.

Qualifications of officer.

SEC. 10. The health officer shall receive such compensation for his services as the council may determine.

Compensation.

SEC. 11. Every member of the board of health may administer oaths on matters connected with the health department.

Oaths.

LIBRARY COMMISSION.

Public
library
commis-
sion.

SECTION 1. The public library of the city shall be under the control and management of a board of commissioners, consisting of five members, four of whom shall be appointed by the mayor, subject to the confirmation of a majority of the council. The fifth member of the board shall be the mayor who shall be its presiding officer. The members of this commission shall serve for two years and without compensation.

Tax levy.

SEC. 2. The city council, at the request of the board of library commissioners, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than five cents nor more than twenty cents on the one hundred dollars assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals and other supplies therefor.

Bequests.

SEC. 3. If payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms or conditions of such donation or bequest.

Title to
library
property.

SEC. 4. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise, for the purposes of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be sued for or defended by action at law or otherwise.

Meetings

SEC. 5. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members secretary and it shall be his duty to keep a full record of all the meetings of the board and of all its business transactions. He shall serve for one year and until his successor has been appointed and has qualified.

General
powers of
board.

SEC. 6. The board shall have power:

To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library, reading room and all the property belonging thereto;

To administer any trust declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto;

To purchase books, journals and publications and other supplies and personal property for the use of the library out of the funds provided for such purposes by the council;

To appoint a librarian and such other employees as may be necessary to properly conduct the said library and the reading rooms connected therewith, to prescribe their duties and the limits of their authority;

To do all that may be necessary to be done to carry out in full all the provisions of this charter relating to said library.

SEC. 7. The compensation of the librarian and of all the library employees shall be such as may be fixed by the board and shall be paid from the funds provided for the support of the library, subject only to the general provisions of this charter regulating the payment of moneys from the public funds. Salaries.

BOARD OF EDUCATION.

SECTION 1. The school department of the said city shall comprise all the public schools within the City of Long Beach or within the territory that is now, or may hereafter be, annexed thereto for school purposes, and shall be known as the Long Beach City School District, which shall succeed to all the property, rights and privileges of the former Long Beach City School District and shall consist of primary, grammar and high schools, as now established, and may, at the discretion of the board of education, include technical, industrial or night schools and detention home; *provided* that no school money shall be used for technical, industrial or night schools when such use would prevent the board from maintaining free primary, grammar and high schools for nine months in each year. City school district.

SEC. 2. The government of the schools will be vested in a board of education consisting of five members, who shall have been residents of the territory included in the district for the two years next preceding the day of their election. They shall be elected by the voters of the district at large on the first Friday in April following the date on which this charter goes into effect; *provided, however*, that said members so elected at the first election of the members of the board of education held after this charter becomes effective shall so classify themselves by lot that the term of office of two of them shall be for two years and of three of them for four years, and thereafter, alternately, on the first Friday in April of each odd numbered year, there shall be elected respectively, two and three members of said board of education, whose term of office shall be four years; *provided further* that the members of the board of trustees holding office at the time this charter becomes effective shall continue to perform the duties of such office until their successors have been elected and have qualified under the provisions of this charter. The officers of the election for members of the board of education shall receive the sum of three dollars each as compensation for their services. Board of education, election of.

SEC. 3. The board of education shall enter upon the discharge of their duties on the first Monday in May after their election and shall meet upon said day and annually thereafter and organize by electing one of their number president, whose term of office shall be one year. Organization.

Vacancies in the board of education shall be filled for the unexpired term by the remaining members of the board, and if there are no remaining members, by special election. Vacancies.

The board of education shall hold a regular meeting at least once each month. Special meetings may be called by the Meetings.

president, or by the written request of three members; but no business shall be transacted at such meetings that has not been distinctly stated in the call.

Quorum.

A majority of the members of the board of education shall constitute a quorum, but a vote of three members shall be required for passing all orders for the expenditure of moneys and for the election of teachers.

Rules of procedure.

The sessions of the board shall be public and its minutes open to inspection. The board may determine its rules of procedure. The ayes and noes shall be taken and recorded when demanded by any member, and they shall be taken and recorded on all questions involving elections and appointments or the expenditure of money. All warrants shall be signed by the president, or the president pro tem. when acting for him, and by the secretary of the board.

Powers and duties of board of education.

SEC. 4. The powers and duties of the board of education are as follows:

To establish and maintain public schools, as herein provided, and to change, consolidate and discontinue the same.

To manage and control school property.

To employ and dismiss teachers, janitors, school census marshals, probation officers and such other persons as may be necessary to carry into effect the powers and duties of the board; and to fix, alter, allow and order paid, their salaries or compensations, 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; *provided* that no teacher shall be dismissed during the school year without good and sufficient cause; *and provided further* that the board shall notify in writing on or before the first day of June of each year all teachers whose services will not be required for the ensuing year.

To prescribe the courses of study, to make and enforce any rules and regulations necessary for the progress and government of the public schools, and to carry into effect the laws relative to education.

To determine what text-books, other than those published by the state, shall be used in said schools.

To provide for the school department all necessary supplies and incur such other incidental expenses as may be necessary for the welfare of the department.

To select plans for, and to supervise and control, the construction of school buildings; to alter, repair or rent the same and to supply them with proper furniture, apparatus and appliances; and it shall be their duty to insure any and all school buildings and furniture.

To take charge of any and all real and personal property, that may have been or may be hereafter acquired for the use and benefit of the public schools of the district.

To grade, fence and improve all school lots.

To sue or defend suits, when necessary in administering the affairs of the school department; and to require the services of the city attorney therefor without compensation and, when

desirable, to employ other or additional counsel; the city attorney shall be the legal adviser of the board without compensation.

Powers
and duties
of board of
education.

To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age, not less than four years, at which they may attend the kindergarten schools.

To admit non-resident children to any of the departments of the schools at the discretion of the board and on such terms as the board may determine.

To furnish books for children whose parents are unable to furnish them; and all books so furnished shall belong to the school district and shall be kept in the libraries of the schools when not in use.

To visit every school in the district at least once in each semester, and to examine carefully into its management, condition and wants.

To dispose of at public or private sale such personal property as shall be no longer required by the department and, when directed by the qualified electors of the district, at a meeting duly called for that purpose, to dispose of any real property belonging to the district and no longer convenient or necessary for its use, and to make in the name of the district conveyances of all real property sold under the provisions hereof.

SEC. 5. The board of education may and, upon a petition signed by a majority of the heads of families residing in the district, as shown by the last preceding school census, must call meetings of the qualified electors for determining or changing the location of one or more school houses, or for consultation in regard to any litigation in which the district may be engaged, or in regard to any of the affairs of the district. Such meetings shall be called by posting three notices in public places in the district, for not less than ten days prior to the time for which such meetings shall be called, which notice shall specify the purposes for which said meetings shall be called, and no other business shall be transacted at such meetings.

Meetings
of electors
for con-
sultation.

District meetings shall be organized by choosing a chairman from the electors present and the secretary of the board shall be the clerk of the meeting and shall enter the minutes thereof on the records of the district.

Organiza-
tion.

A meeting so called shall be competent to instruct the board of education:

Preroga-
tives of
meeting.

In regard to the location or change of location of one or more school houses, and the use of the same for other than school purposes.

In regard to the purchase and sale of school sites or other real property of the district.

In regard to prosecuting, settling or compromising any litigation in which the district may be engaged or be likely to become engaged.

The board of education shall in all cases be bound by the instructions of the district meeting in regard to the subjects mentioned in this section.

Estimate
for school
tax.

SEC. 6. The board of education shall determine annually the amount of school tax necessary for the maintenance of free public schools and for carrying into effect all provisions of law regarding the same, and the amount so determined by said board of education shall be reported in writing to the board of supervisors of the county. This report shall specify the proper items and the amount of money required for each, in addition to state and county school money, to maintain grammar and primary schools, the amount required for high school purposes, and the amount required for such other public schools of the district as are then established, and what amount will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings and of repairing, enlarging or improving old ones.

Tax levy.

The board of supervisors of the county is hereby authorized and required to levy and the tax collector of the county to collect as school tax the amount reported by the board of education.

School tax
election.

SEC. 7. The board of education may, when in their judgment it is advisable, call an election and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or for building one or more school houses, or for any or all of these purposes. Such election shall be called and moneys employed in accordance with the general laws of the state governing elections for district school tax.

Bond
election

SEC. 8. The board of education may, when in their judgment it is advisable, and must, when petitioned by a majority of the heads of families residing in the district, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school property, and for building or purchasing one or more school houses, for insuring the same and supplying the same with furniture and necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and for refunding any outstanding valid indebtedness evidenced by bonds or warrants thereof.

School
fund.

SEC. 9. All moneys raised for school purposes shall be paid into the county treasury to the credit of the proper school fund of said Long Beach City School District and shall be drawn out in the same manner as state and county money apportioned to the Long Beach City School District are drawn.

Manage-
ment of
property.

SEC. 10. The board of education shall receive and manage all property and moneys acquired by bequest or donation in trust for the benefit of any school, educational purposes, or school libraries; shall carry into effect the terms of any bequest not in conflict with the general laws or with this charter.

Secretary.

SEC. 11. The board of education shall elect its own secretary who shall not be a member of the board. They shall fix his salary and prescribe his duties. His term of office shall be at the pleasure of the board and he shall be empowered to administer oaths.

SEC. 12. The board of education shall elect a superintendent and shall fix his salary; such superintendent shall serve for a term of four years from and after the day of his election. Although not a member of the board he shall have all the rights and privileges of a member of the board except the right to vote.

The superintendent shall be the executive officer of the board of education and shall enforce all rules and regulations adopted by the board, and perform such other duties as the board shall designate.

He shall have general supervision of the schools and direct the methods of instruction therein.

He shall have regular office hours, when he may be consulted by patrons regarding school affairs; and his decision in all school matters within his jurisdiction shall be final, unless formally appealed from to the board of education.

The superintendent shall assign duly elected teachers to such grades, departments and schools as he shall deem best for the schools and he shall designate the duties of the various teachers, but no such assignment or designated duty shall conflict with a general rule of the board and, further, the board may, by vote of four members, change any assignment.

The superintendent shall make and enforce such regulations, not in conflict with the rules of the board, as shall be necessary for the efficient conduct of the schools.

He shall have full direction of the classification and promotion of pupils and, under the rules of the board, of the discipline of the schools.

He shall call such general and special meetings of the teachers as he shall deem advisable for carrying into effect the directions of the board and superintendent and for the instruction of the teachers in the science and art of teaching, and he shall enforce attendance on such meetings according to rules approved by the board.

He shall keep himself informed with regard to school systems in other cities and with regard to school law and he shall be the adviser of the board in all matters that concern the welfare and progress of the schools.

He shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as nearly as may be ascertained, of fuel, blanks, blank books, books for indigent children, apparatus, and such other school appliances which may be necessary for the city schools and the board for the following year.

He shall annually, and oftener when desired, make a full report of the condition of matters under his jurisdiction, and shall make such recommendations as he shall deem best, and such annual report shall be published by the board for the information of the public and for exchange with other cities.

SEC. 13. Cause for dismissal of teachers, principals or superintendent shall be insubordination, immoral or unprofessional conduct, or evident unfitness for fulfilling the requirements of his or her position as such teacher, principal or superintendent.

Superintendent.

Executive officer of board.

Supervision.

Office hours.

Assignment of teachers.

Regulations.

Discipline.

Meetings of teachers.

School law.

Detailed statement.

Annual report.

Cause for dismissal.

Office
rooms.

SEC. 14. The board shall provide suitable rooms for itself and for the superintendent and such rooms shall be open to the public during such regular office hours as shall be established by a vote of the board.

Contagious
diseases.

SEC. 15. Upon report from the health officer of a case of contagious or infectious disease which he deems dangerous to the public health it shall be the duty of the superintendent to refuse admittance to the public schools to any person who may have been exposed to such disease or is in any manner liable to assist in its spread; *provided*, that parties thus excluded shall be readmitted upon presentation of a certificate from the attending physician countersigned by the health officer, or from the health officer, stating that there is no longer any danger from contagion.

Inspection
of build-
ings

The building inspector of the city shall be the building inspector of the school district and shall inspect all school buildings at least once each year and recommend such alterations and repairs as he shall deem desirable. He shall also supervise the construction of all new buildings under the direction of the board.

General
laws to
govern

SEC. 16. In all matters not specifically provided for in this charter the board shall be governed by the provisions of the general law relative to such matters.

ARTICLE VIII.

STREETS.

Streets:
general
laws to
govern.

SECTION 1. Except as provided herein, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers, establishing of and changing grades of streets, and providing for the laying out, opening, widening, straightening or closing up, in whole or in part, of any street, square, lane, alley, court or place within the municipality, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within the municipality, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts, and places within the municipality, and of hedges upon the lines thereof, and for the eradication of weeds within the city limits, now in force, or which may hereafter be adopted by the legislature of this state, is hereby made a part of this charter, and shall govern the city council in such matters.

ARTICLE IX.

CONTRACTS.

Contracts,
what
must be
written.

SECTION 1. The City of Long Beach shall not be and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the council and

signed by the mayor or by some other person in behalf of the city authorized so to do; *provided* that the approval of the form of the contract by the city attorney shall be endorsed thereon before the council shall have power to order the same to be entered into in behalf of the city; but the council, by an ordinance duly adopted, may authorize any officer, board, commission or agent of the city to bind the city without a contract in writing for the payment of supplies, labor or other valuable consideration furnished to the city in an amount not exceeding two hundred dollars.

SEC. 2. All contracts for goods, merchandise, stores, supplies, materials, subsistence or printing, except as otherwise provided in this charter, for the city or for any of the departments or public institutions thereof must be made by the city council with the lowest bidder offering adequate security for the faithful performance of the contract, after the publication of a notice calling for bids in a newspaper published in said city for at least ten days before the day upon which the said bids are to be opened by the council.

Bids for
supplies.

SEC. 3. All bids must be accompanied by a certified check, drawn on a solvent bank doing business in the county of Los Angeles for an amount equal to ten per centum of the bid; the said certified check must be payable at sight to the city clerk. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such check and pay the same into the treasury, and under no circumstances shall the check or the proceeds thereof be returned to the defaulting bidder.

Award of
contracts.

SEC. 4. The council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the city attorney as to form, shall be approved by the mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the mayor. The city clerk shall furnish printed blanks for all such bids, contracts and bonds.

Sureties on
contracts.

SEC. 5. All bids must be placed in a sealed envelope and delivered to the city clerk and opened by the council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids must be rejected. The clerk shall return to the unsuccessful bidders their certified checks. He shall retain the check of the successful bidder until after the execution of the contract and the approval by the mayor of the bond furnished by such bidder for the faithful performance of his contract, and then shall return such check to such successful bidder.

Opening
of bids.

SEC. 6. All contracts for official advertising shall be let annually to go into effect on the first Monday in July in each year, in a like manner to the lowest responsible bidder publishing a daily newspaper of general circulation in the city, *provided*, that the said newspaper shall have been in existence at the time of award of said contract at least one year.

Official ad-
vertising.

Bids may
be rejected.

SEC. 7. When a contractor fails to enter into a contract awarded to him or to perform the same, new bids must be invited and a new contract awarded as provided herein in the first instance. When the council believes that the prices bid are too high, or that bidders have combined to prevent competition, or that the public interest will be subserved thereby they may reject any and all bids and cause the notice calling for bids to be readvertised.

Term of
contracts.

SEC. 8. No contract for power, gas, electric light, removing garbage, sweeping, sprinkling or lighting the streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contracts to pay for power, gas or electric light at a higher rate than the minimum price charged to any other consumer be valid.

ARTICLE X.

CLAIMS AND DEMANDS.

Claims
must be
passed by
council.

SECTION 1. Except as otherwise provided in this charter all demands payable out of the treasury must, before they can be approved by the auditor or paid by the treasurer, be passed by the council.

How paid.

SEC. 2. All claims and demands whatever against the City of Long Beach, except interest coupons upon bonds, and bonds of the funded debt, shall be paid out on demands as herein provided for.

Form of
demands.

SEC. 3. Said demands, except demands payable out of the school and library funds, shall be presented to the council on forms to be supplied by the city clerk. The council shall consider the said demands and shall, if the same be just and legal, approve the same, or may, if it so determine, approve in part or reject the whole. The action of the city council shall be indorsed thereon, with the date of such action, and certified by the signature of the city clerk.

Auditor's
duties.

SEC. 4. Any such demand, approved by the council, in whole or in part, shall be delivered to the auditor, who shall approve the same in whole or in part, or reject the same and indorse such approval or rejection thereon with the date of such action; *provided* that the auditor shall have no power to approve a demand for a sum larger than the sum for which it is approved by the council. If the auditor approves only in part or for a less amount than approved by the council, or reject any such demand he shall return the same to the city clerk with his objections in writing attached thereto.

Shall
specify
fund.

SEC. 5. If the auditor shall approve any demand he shall specify the fund from which it is to be paid. If the claim is rejected in whole or as to any part of it (unless the party presenting it is willing to accept and receipt in full of the entire demand the sum offered), the auditor shall return it, with his reasons for rejecting it, to the council, board or other body which originally authorized it. No demand upon the city treasury shall be considered presented for action or acted upon, allowed or approved by the council or any board or

commission of said city, unless it specifies on its face each item composing said demand, and the amount and date thereof.

SEC. 6. Every demand shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, it shall be numbered and entitled to payment in the same order as allowed. Demands to be numbered.

SEC. 7. All demands payable out of the library fund must, before they can be approved by the auditor, or paid, be previously approved by the board of library trustees by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes of the board, and the action of said board, with the date of such action indorsed on said demands, be signed by the presiding officer and by the clerk of said board. After the approval of said demands, as herein provided, they shall be delivered to the auditor who shall have the same power, and perform the same duties in reference to demands payable out of the library fund as are provided for other demands; *provided*, that in case the auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the board of library trustees. Demands against library fund.

SEC. 8. Any demand returned to the council, with the objections of the auditor, shall again be considered by the council, and if it shall again be approved by the council and indorsed and certified as required by section 3 of this article, the said objections shall be thereby overruled. Any demand returned to the board of library trustees with the objections of the auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, the said objection by the auditor shall thereby be overruled. Any demand, the objection of the auditor to which has been overruled, shall be returned to said auditor who shall have the same power and perform the same duties in reference thereto as if the same had been at first approved by him. All such demands shall be numbered and recorded by the auditor in the same manner as those which are approved by him. Objections of auditor.

SEC. 9. No demand can be approved by any board or any officer, audited or paid, unless it specify each several item, with the date and amount thereof. Demands must be specific.

SEC. 10. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter, with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer and board of officers as required by this charter, or the objections of the auditor have been overruled as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited. Must be authorized by law.

Deduction
for indebted-
ness.

SEC. 11. No demand shall be approved by the auditor in favor of any person or officer, or the assignee of any person or officer, who is indebted to the city, without first deducting the amount of such indebtedness, nor in favor of any officer having the collection, custody or disbursement of public funds who shall have failed to account to the city as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or report in writing in the manner or at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor in favor of any officer who may 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 duties of such officer on being required in writing to comply therewith by the mayor or the president of the council; nor in favor of any 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 auditor may examine any officer receiving a salary from the treasury on oath touching such absence.

Record of
demands.

SEC. 12. The auditor must number and keep a record of all demands on the treasury approved by him, or his objection to which have been overruled, showing the number, date, amount and name of the original and present holder, on what account allowed, out of what fund payable and by what officer or board it has been previously approved; and it shall be a misdemeanor in office for the auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

Registered
demands.

SEC. 13. Every lawful demand upon the treasury, audited and allowed as in this charter required, shall in all cases be paid upon presentation if there be sufficient money in the treasury applicable to the payment of such demand, and the demand canceled with a punch cutting the word "canceled," therein and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the treasurer; such register shall show the special number given by the council or other authority and also by the auditor to each demand presented; also when presented the date, amount, name of original holder and on what account allowed, and against what appropriation drawn, and out of what specific fund payable. All demands shall be paid in the order of their registration. Each demand upon being so registered shall be returned to the party presenting it, with the indorsement of the word, "registered," dated and signed by the treasurer; but the registration of any demand shall not operate to recognize or make valid such demand if incurred contrary to law or any of the provisions of this charter.

Bond
payments.

SEC. 14. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of the bonded indebtedness of the city, and the interest

coupons thereof, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

SEC. 15. Before any demand which originates in the fire, police, or park departments of the city government can be approved by the council it must first be approved by the board of commissioners having charge of such approval, must be indorsed on such demand and must be evidenced by the signature of the presiding officer of such boards and by the clerk of each.

Demands
against
depart-
ments.

SEC. 16. All public moneys collected by any officer or employe of the city shall be paid into the city treasury upon written order by the auditor designating the fund to which it belongs, without deduction on account of fees, commissions, or any other cause or pretense; and the compensation of any officer, employe, or other person so collecting money shall be paid by demands on the treasury, duly audited as other demands are audited and paid.

All public
moneys to
be paid
into
treasury.

SEC. 17. No suit shall be brought upon any claim for money or damages against the City of Long Beach, its board of education, or the board of library trustees, until a demand for the same has been presented, as herein provided, and rejected in whole or in part.

Suits upon
claims.

ARTICLE XI.

REVENUES AND TAXATION.

SECTION 1. On or before the first Monday in July in each year the several heads of departments, offices, boards and commissions shall send to the city council an estimate in writing of the amount of expenditure, specifying in detail the object thereof, required in their respective departments, offices, boards and commissions during the year. Duplicates of these estimates shall be sent to the auditor.

Estimates
for
revenue.

SEC. 2. On or before the first Monday of July of each year, the assessor shall complete his list or assessment roll and shall attach his certificate thereto and deliver it and the books, and maps he may have accompanying the same and all the original lists of property given to him to the city auditor, and the auditor shall thereupon notify the city council and the city clerk shall thereupon notify the taxpayers of the fact and of the time the city council will meet to equalize assessments, by publication of such notice in a daily newspaper published in the city, and in the meantime the assessment roll, books, maps and other papers accompanying the same must remain in the office of the city auditor for the inspection of all persons interested.

Assess-
ment roll.

SEC. 3. The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now or may hereafter be prescribed by the ordinances of the city.

Mode of as-
sessment.

SEC. 4. The council shall, on the second Monday of July, sit and act as a board of equalization and be in continuous session during a period of two weeks, and shall have as regards

Board of
equaliza-
tion.

the equalization of said lists powers similar to those conferred by law upon the board of supervisors of Los Angeles county as a board of equalization of state and county taxes.

Meetings.

SEC. 5. The meetings of said board of equalization shall be public. The said board shall have power to increase or diminish the amount of any assessment on said lists, both as to real and personal property; *provided*, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which shall be increased, and such owner or owners shall have the right to be heard before the board, under oath. When such assessment list or roll has been equalized it shall be returned by the council to the auditor.

Auditor's estimate for tax levy.

SEC. 6. On or before the first Monday in August in each year, the auditor shall prepare and transmit to the council an estimate of the probable expenditures of the city for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts, together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses, and all other sources of revenue exclusive of taxes upon property; and shall set forth the probable amount that will be required to be levied and raised by tax upon all property in the city to meet the requirements of such fiscal year.

Annual budget.

SEC. 7. The council shall, annually between the first and second Mondays of August, and by a vote of a 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 for the 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 council may determine.

Mayor may veto.

SEC. 8. The budget shall, when completed by the council, be delivered to the mayor, who may within five days after such delivery to him veto any item in said budget in whole or in part, and it shall require the vote of at least five members of the council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the mayor and the city clerk and the several sums shall then be appropriated for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the auditor.

Collection of tax.

SEC. 9. The council must cause to be raised annually according to law and collected by tax the amounts so appropriated, less the amounts received from fines, licenses and other sources of revenue.

Necessity fund.

SEC. 10. The council may appropriate in the aggregate during each year not to exceed one thousand dollars for necessities not otherwise provided for by law, but no money shall be

paid out of this appropriation unless authorized by a vote of at least four members of the council and approved by the mayor.

SEC. 11. The council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund, and the percentage of the tax levy shall be named for each fund, and the whole amount of the taxes and revenue of the city apportioned accordingly, and no transfers shall be made, except of balances in excess of requirements or from the general fund to meet deficiencies in any fund, unless otherwise provided in this charter.

Apportionment of funds.

SEC. 12. The council shall, on or before the first Monday of September, in each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all property, both real and personal, in the city necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed, in any one year, one dollar for each one hundred dollars upon the assessment roll, exclusive of what may be necessary for the payment of the principal and interest of the bonded indebtedness of the city or for school or library purposes.

Rate of tax.

SEC. 13. As soon as the city council has fixed the rate of taxes for the year, the auditor must complete, and enter in a separate column in the assessment book, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns, showing the total amount of taxes, and on or before the fourth Monday in September he must deliver said corrected and completed assessment book to the city tax collector, and charge the collector with the full amount of the taxes levied.

Duty of auditor.

SEC. 14. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment shall not be satisfied nor discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

Taxes constitute a lien.

SEC. 15. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles county. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county; *provided, however*, that the council may, by ordinance, regu-

Enforcement of tax liens.

late the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of state and county taxes in said county.

Delin-
quent
taxes.

SEC. 16. All sales for delinquent taxes shall be made to the City of Long Beach unless otherwise regulated by ordinance.

Extension
of time.

SEC. 17. The council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

Revenue
collec-
tions, dis-
position.

SEC. 18. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city, under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the state when offered for sale for state and county taxes, and the council shall have the same powers and duties in relation to such property as are given by law to the state board of equalization in case of a sale to the state, but no certificate or receipt need be delivered to the state controller.

No report
to state.

SEC. 19. No officer shall be required to send or transmit any statement or report to any state officer or board.

Recorda-
tion of in-
struments.

SEC. 20. All papers and instruments required to be filed or recorded with or by the county recorder by the revenue or taxation laws of this state, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the county recorder of Los Angeles county.

Bonded
indebted-
ness.

SEC. 21. Whenever the council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high school building, sewer, property, water right, bridge, or other public improvement, or utility, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of article eleven of the constitution of this state and general law or laws thereof; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issue therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor.

Personal
property
taxes.

SEC. 22. It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such

cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

SEC. 23. Immediately after fixing the assessment of such property he shall serve on its owner or owners a notice in writing, which shall certify the assessed valuation of the property, the rate of taxation, and the amount of tax payable, and contain a demand for the payment of said tax within three days after the service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed. Upon the expiration of said three days after such service, if the tax demanded still remains unpaid, or payment thereof be not secured to the satisfaction of the city attorney and city assessor, the assessor shall forthwith proceed to collect the same by seizure of any personal property owned by the delinquent.

Notice to owners.

SEC. 24. The said sale shall be made by him in the manner provided in sections thirty-seven hundred and ninety-one, thirty-seven hundred and ninety-two, thirty-seven hundred and ninety-three, thirty-seven hundred and ninety-four, thirty-seven hundred and ninety-five, and thirty-seven hundred and ninety-six of the Political Code of the State of California; *provided*, that the newspaper referred to in section thirty-seven hundred and ninety-two shall be published in the City of Long Beach.

Sale by assessor.

SEC. 25. As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Basis of personal property tax.

SEC. 26. Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

Same.

SEC. 27. The assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

Collections to be noted.

SEC. 28. In case the assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the council is authorized and directed to cause proper action or actions at law to be brought against said assessor and the sureties on his official bond to recover the same.

Assessor responsible for uncollected tax.

ARTICLE XII.

FRANCHISES.

Granting
of fran-
chises.

SECTION 1. In the granting of franchises the city and city council shall be governed by the general law of the state in force at the time, which is hereby declared to be, and is hereby made, a part of this charter, so far as it is or may be applicable to the class of cities to which this municipality may belong.

ARTICLE XIV.

JUDICIAL DEPARTMENT.

Police
court.

SECTION 1. There is hereby created and established in and for the City of Long Beach a police court, which is hereby vested with the judicial powers of the city.

Police
judge.

SEC. 2. The police court shall be presided over by a judge who shall be elected by the qualified electors of the city and shall serve for a term of two years.

Qualifica-
tions.

SEC. 3. The judge of the police court shall be a regularly qualified elector of the state and shall have been a resident of the city for the two years next preceding the date of his election to the office.

Jurisdic-
tion.

SEC. 4. The said police court shall have jurisdiction of the following offenses committed within the corporate limits of the city:

Petit larceny.

Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony;

Breaches of peace, riots, affrays, committing a willful injury to property, and all misdemeanors punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both such fine and imprisonment.

The said police court shall have exclusive jurisdiction:

Exclusive
jurisdic-
tion.

Of all proceedings for the violation of any ordinance of the city, both civil and criminal;

Of any action for the collection of taxes or assessments levied for any city purpose, when the amount of the tax or assessment sought to be collected of the person assessed is less than three hundred dollars; but no lien upon the property taxed or assessed for the non-payment of the taxes or assessments can be foreclosed in such action;

Of any action for the collection of any money payable to the city or from the city to any person when the amount sought to be collected, exclusive of the interest and costs, is less than three hundred dollars;

For the breach of any official bond given by any city officer, or for the breach of any contract and any action for damages in which the city is a party, and upon all forfeited recognizances given to or for the benefit or in behalf of the city, and upon all bonds given upon any appeal taken from the judgment of the court in any of the cases above named, where the

amount claimed, exclusive of costs, is less than three hundred dollars;

For the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars.

SEC. 5. In the exercise of his jurisdiction the police judge may punish persons guilty of contempt of court, and may issue warrants of arrest, subpoenas, venire, executions and all other process necessary and proper and may administer oaths. May issue process.

SEC. 6. In all cases in which the judge of the police court is interested or in which he is related to a party to the action or proceeding, either by consanguinity or affinity within the third degree, and in case of his absence, sickness or inability to act, any justice of the peace of Los Angeles county may, at the written request of the judge, act in his stead. When disqualified.

SEC. 7. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court, and shall pay weekly into the city treasury all fines and other moneys received by him, belonging to the city. He shall, on the first Monday in each month, file with the auditor an exact and detailed account in writing, under oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all other moneys collected by him for or on behalf of the city. Record of proceedings.

SEC. 8. The city shall furnish a suitable room for said police court and shall also furnish the necessary dockets and blanks for the use of said court. Court room.

SEC. 9. All fees received or collected by said court shall be the property of the city. Fees.

SEC. 10. The rules of practice and modes of proceeding in the police court shall be the same as are, or may be, prescribed by law for justice courts in like cases and appeals may be taken to the superior court of the county from all judgments of said police court in like manner and with like effect as in cases of appeals from justice courts. Rules of practice.

ARTICLE XV.

ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of two kinds: Elections.

- (1) General municipal elections.
- (2) Special elections.

SEC. 2. General municipal elections shall be held in said city on the first Tuesday in December, 1907, on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected: Municipal elections.

A Mayor

Seven members of the City Council

A Clerk, who shall be ex-officio Assessor

Attorney

Treasurer
 Police Judge
 Auditor
 Tax and License Collector

SEC. 3. All officers provided to be elected by this charter shall take office on the first Monday after the first day of January next after their election.

When
 charter
 to take
 effect.

For the sole purpose of election of the officers directed by this charter to be elected by the people, this charter shall take effect immediately after its approval by the legislature; and such election shall be managed and conducted in accordance with the general election laws of the state. For all other purposes this charter shall take effect on the first Monday after the first day of January, 1908.

In the case of a special election to fill a vacancy, the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term and until his successor shall have been elected and qualified.

Vacancies
 in office.

SEC. 4. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term.

Questions
 may be
 submitted
 to electors.

SEC. 5. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter, or by ordinance; *provided*, that in case such question is required by said constitution, law, charter or ordinance to be submitted at special or other particular kind of election, it shall be so submitted, and not otherwise.

THE INITIATIVE.

The initia-
 tive.

SEC. 6a. Any proposed ordinance may be submitted to the council by a petition signed by the registered voters of the city equal in number to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and number. One of the signers of such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten

Petitions.

Examina-
 tion
 by clerks.

Amended
 petition.

days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to thirty per cent. of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

Mandatory petitions, action of council.

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of section 6b of this charter); and if the ordinance shall be passed by the council, but shall be vetoed by the mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least ten per cent. but less than fifteen per cent. of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a binding and valid ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

Ballots, what to contain.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided* that there shall not be held under this section of the charter, more than one special election within a period of twelve months.

Council
may
submit
proposi-
tions to
electors.

The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

THE REFERENDUM.

The refer-
endum.

SEC. 6b. No ordinance passed by the city council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least twenty-five per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in section 6a of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section 6a, except as to the percentage of signers, and be examined and certified by the clerk in all respects as is therein provided.

Protest
against
pending
ordinance.

THE RECALL.

The recall.

SEC. 6c. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of

an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 40 per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding the election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided* that the petition sent to the council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient the city council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

Procedure
to remove
elective
officer.

Amended
petition.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election,

Notice of
election.

the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

Conduct of election.

SEC. 7. If any special election be ordered held and conducted, it 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.

Elections, to be by ordinance.

SEC. 8. The council of said city shall by ordinance order the holding of all elections. Such ordinances shall specify the object and time of, and place or places within the limits of each ward, for the holding of such election, and the names of the inspector and judges for each ward or precinct of each ward as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election; *provided* that the council may by said ordinance divide any of the wards into two or more precincts, specifying the boundary of each precinct, and provide for the holding of an election in each of said precincts. Said ordinance shall be published in some daily newspaper, printed and published in said city, for at least ten days prior to the time appointed for the holding of the elections.

Returns and canvass.

SEC. 9. Returns of all elections shall be made to the council, who shall, within ten days thereafter, either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of election to be issued by the city clerk to the persons elected. The council shall be the judge of the qualifications of all the elective officers.

State laws to govern, when.

SEC. 10. All elections shall, in all other respects, be conducted and held in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time.

Eligibility to office.

SEC. 11. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city and to be eligible to the office of member of the council, the person elected must also have been a resident of the ward from which he is elected for at least two years next preceding his election; and in case any member of the council shall remove from the ward which he represents, his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is thereby included within a different ward from that from which he was elected shall lose his office by reason of such change.

Qualifications of electors.

SEC. 12. The qualifications of an elector at any election held in pursuance of this charter shall be the same as those prescribed by the laws of this state for an elector at a general state election, in force at the time of such election; *provided* that when any such municipal election is held after the completion of the register for any general state election, all persons who are on the last such register completed, and also all persons who have registered since the completion thereof, and before the closing of registration for such municipal election,

shall be entitled to vote at such municipal election. Registration and transfers of registration for any such municipal election shall cease for the same period before the holding thereof as is or may be provided in the case of general state elections. Registration.

It shall be the duty of the county clerk of the county of Los Angeles to keep his office open for registration for at least sixty days prior to the closing of registration for such municipal election, and to register all qualified electors of said city who may apply for such registration during that time. Duties of county clerk.

SEC. 13. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general state election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers and changes since the closing of registration for such general state election. It shall be the duty of the county clerk 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. Registers to be used.

SEC. 14. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected. Status of present officers.

MISCELLANEOUS PROVISIONS.

SECTION 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets and alleys, or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the council and the city engineer for their approval, and if such council and engineer approve the same such approval shall be endorsed upon such map or plat, the approval of the council being evidenced by the certificate of the clerk thereof and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the council as a public street, alley or place or be subject to any public improvement, without such approval or endorsement. Subdivision of lands.

SEC. 2. No councilman or other city officer or employee shall be interested, directly or indirectly, in any contract to which the city is a party or which is made by any officer of the city in behalf of the city. And any such contract in which any such councilman, officer or employee is interested shall be void. Any violation of this section by any such councilman, officer or employee shall be a misdemeanor and be punishable as such and upon conviction the office of such councilman, officer or employee shall be declared vacant by the council. And such vacancy shall be filled as is herein provided for the filling of other vacancies. Contracts; officers must not be interested in.

Defective walks; no recourse for damages.

SEC. 3. No recourse shall be had against the City of Long Beach for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or for want of repair of any sewer, nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court, or place, or by the falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damages sustained.

Proceedings shall be presumed to be regular.

SEC. 4. In any action, suit or proceeding in any court concerning an assessment of property or levy of taxes authorized by this charter, or the collection of such taxes, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this charter committed or left to the discretion of the mayor or council or other authorities of the city such discretion or judgment, when expressed or declared is final, and cannot be reviewed or called in question elsewhere.

Prosecutions for violation of ordinances.

SEC. 5. In all prosecutions for violation of city ordinances, rules or other regulations, whether in the court of original jurisdiction or in any appellate court, it shall not be necessary to plead the contents of such ordinance, rule or regulation, but the court before which the prosecution is pending shall take judicial notice of such ordinance, rule or regulation and of the contents thereof; and in any civil action in which the city is a party either as a plaintiff or defendant the adoption and contents of any ordinance, rule or regulation of said city may be prima facie proven by the introduction of the original thereof on the journal of the proceedings of the council, or by a copy of such entry certified to by the city clerk under the seal of the city to be a full, true and correct copy of such original entry.

Fiscal year.

SEC. 6. 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.

Ordinances continued in force.

SEC. 7. All ordinances and resolutions of the city and all regulations or rules prescribed by or for the government of any of its departments, officers or employes, which are in force at the time of the taking effect of this charter and which are not inconsistent therewith, shall continue in force until altered, amended or repealed.

SEC. 8. All rights, actions, proceedings, prosecutions and contracts of the city or any of its departments or officers in progress, begun, or in existence at the time of the taking effect of this charter, and not inconsistent therewith, are hereby preserved, and shall continue to be valid and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

Contracts continued in effect.

SEC. 9. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the state in force at the time are hereby declared to be, and shall be, a part of this chapter so far as the same are or may be applicable to the class of cities to which this municipality may belong.

General laws a part of charter.

SEC. 10. Whenever the word "city" occurs in this charter it means the City of Long Beach, and whenever any department, board or officer is mentioned in this charter it means such department, board or officer, as the case may be, of the City of Long Beach.

Definition of terms.

SEC. 11. The board of trustees of the City of Long Beach, in office at the time this charter is approved by the legislature, shall provide for the holding of the first election of officers under this charter, shall canvass the vote and declare the result.

First election.

SEC. 12. The officers of the city in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the first Monday after the first day of January, 1908. The school trustees of the Long Beach City School District in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the members of the first board of education elected under this charter.

Expiration of term of present officers.

SEC. 13. No person shall be appointed to, or removed from any office under this charter because of his political or religious opinions. In making appointments the appointive power shall consider only the good of the public service and the fitness of the appointee for and his ability to discharge the duties of the office to which he is appointed.

Fitness of appointees.

AMENDMENTS.

SECTION 1. This charter may be amended at intervals of not less than two years, by proposals therefor, submitted by the city council to the qualified electors of the city, at a general or special election held at least forty days after the publications of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the legislature, as provided in the constitution of the State of California for the approval of this charter in the first instance. In submitting such proposals alternative propositions may be presented for the choice of the voters, and may be voted on separately without prejudice to the others.

Amendments to charter.

Proposals
for amend-
ment.

SEC. 2. The proposals for the amendment of this charter referred to in the preceding section may be submitted by the city council on its own motion, but must be submitted by the city council in the manner provided in said section, whenever a petition is presented to such council, signed by a number of the qualified electors of the city equal to thirty per centum of the votes cast at the preceding general city election, asking that an amendment or amendments to this charter to be set out in such petition be submitted to the vote of the electors of the city. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath, before an officer competent to administer oaths, that the statements made therein are true and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

Duty of
council.

SEC. 3. The city council must make all necessary provisions for submitting the proposed amendment or amendments to the electors, and shall canvass the votes in the same manner as in other elections.

Ballots.

SEC. 4. The tickets used at such elections shall contain the words, "For the amendment," (stating the nature of the proposed amendment) and "Against the amendment," (stating the nature of the proposed amendment).

CERTIFICATE.

Certificate
of free-
holders.

WHEREAS, The City of Long Beach, a city containing a population of more than three thousand five hundred inhabitants, did, on the first day of October, A. D. 1906, at a special election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, elect the undersigned a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, that in pursuance of said provision of the constitution, and within the period of ninety days after such election the said board of freeholders has prepared and does propose the foregoing articles, signed in duplicate, as and for the charter of the said City of Long Beach.

In addition to the foregoing charter, the board of freeholders, pursuant to said provisions of the constitution, also present with said charter for the choice of the voters, and to be voted upon separately, without prejudice to the other provisions and sections of said charter, two alternative propositions, herein-after stated and designated as alternative proposition number one and alternative proposition number two, one only of which shall become part of such charter.

ALTERNATIVE PROPOSITION No. 1.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person either as principal, agent, servant or employé, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tipping house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to hotels containing not less than fifty bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the council; *and provided further*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

Prohibit-
ing sale of
liquors.Excep-
tions.

SEC. 2. Any person violating section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

Penalty
for viola-
tion.

ALTERNATIVE PROPOSITION No. 2.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person, either as principal, agent, servant or employé, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tipping house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

Prohibit-
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liquors.Excep-
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SEC. 2. Any person violating section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

Penalty
for viola-
tion.

Ballots.

Said alternative propositions shall be submitted for the choice of the voters at the same time at which the charter shall be submitted, and upon the ballots shall be printed:

For Alternative Proposition No. 1.—Providing that hotels may, under restrictions by the council, serve light drinks to customers as part of regular meals.

For Alternative Proposition No. 2.—Providing that there shall be no sale of intoxicants in this city save by druggists under proper restrictions.

Voters shall be entitled to vote either for or against the charter, and also for one of the two alternative propositions; and the respective alternative proposition receiving the greatest number of votes shall be thereby adopted and become Section XIII of the charter.

Said charter, including this certificate, shall be published for twenty days in daily newspapers printed, published and circulated in the City of Long Beach, and after such publication it shall be submitted to the qualified electors of said city at a special election to be held therefor at such time as the board of trustees of said city may designate; and if a majority of the qualified electors of the city, voting at said election, shall ratify the same, it shall be submitted to the legislature of the State of California for its approval or rejection.

The said board of trustees of said city shall provide for the holding of the first election of officers under this charter, in accordance with the provisions of the charter and the general election laws of the state, and shall canvass the votes and declare the result.

If the legislature approve this charter, it shall thereupon become the charter and organic law of the City of Long Beach, except as herein provided.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Long Beach in the State of California, this 3rd day of Dec. A. D. 1906.

L. B. PALMER, PRESIDENT.
 HARRY BARNDOLLAR
 THOS. W. WILLIAMS.
 W. B. JULIAN
 J. C. WILHOIT
 A. M. GOODHUE
 FRANK A. CROWE
 A B AUSTIN
 E L WINGARD
 JESSE DRISKILL
 S. TOWNSEND
 J A MILLER SEC

OFFICE OF THE PRESIDENT OF THE BOARD OF TRUSTEES.

CITY OF LONG BEACH,
 COUNTY OF LOS ANGELES, } SS.
 STATE OF CALIFORNIA. }

I, F. H. DOWNS, President of the Board of Trustees of the City of Long Beach, State of California, do hereby certify that the Board of Freeholders, a majority of whose names appear signed to the foregoing proposed charter, were on the first day of October, 1906, at a special municipal election held in said City of Long Beach on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me, as President of said Board of Trustees, within ninety days after said election, as required by Section 8 of Article XI of the Constitution of this State; that such proposed charter was then published in The Daily Telegram and in the Long Beach Tribune, which then were daily newspapers of general circulation, printed, published and circulated in said City of Long Beach, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said section 8, to wit: on the 5th day of February, 1907, said charter was submitted to the qualified electors of said city; that a special election duly held therein for the purpose of ratifying or rejecting said proposed charter, and for adopting or rejecting said alternative proposition No. 1, or alternative proposition No. 2, presented with said charter for the choice of said voters and to be voted on separately; that said proposed charter, as a whole, was duly ratified at said election by a majority of the votes of the qualified electors of said City of Long Beach, and that Alternative Proposition No. Two was also ratified at the same time and in the same manner and the same thereby became and is Article XIII of said proposed charter, and that Alternative Proposition No. One was rejected; that all of said elections and publications and acts, matters and things in connection with and relating to said proposed charter and alternative propositions were held, made, done and occurred pursuant to the orders, resolutions, and publications of the Board of Trustees of said City of Long Beach in compliance with Section 8, Article XI, of the Constitution of the State of California; and that the returns of said election were duly canvassed by the Board of Trustees of the City of Long Beach on the 11th day of February, 1907, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter the provisions of said section of the Constitution and the law of the State of California pertaining to the

Certificate
 of pres-
 ident of
 board of
 trustees.

adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the said City of Long Beach to be affixed this 11th day of February, 1907.

F. H. DOWNS,
President of the Board of Trustees of the
City of Long Beach, State of California.

[SEAL]

ATTEST:

FRED P. BALDWIN,
City Clerk of the City of Long Beach.

Approval
by legis-
lature.

Now, therefore, be it resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That said charter of the City of Long Beach, including said Alternative Proposition No. Two, as presented to and adopted and ratified by the qualified electors of said City of Long Beach as hereinabove set forth, be and the same is hereby approved, as a whole, as and for the charter of the said City of Long Beach as aforesaid.

CHAPTER 16.

Senate Constitutional Amendment No. 31. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California relating to the extension of the terms of existence of corporations.

[Adopted February 27, 1907.]

The legislature of the State of California, at its thirty-seventh session, two thirds of all members elected to the senate and assembly voting therefor, proposes to the qualified electors of the State of California the following amendment to Section Seven of Article Twelve of the Constitution:

Section Seven of Article Twelve of the Constitution is hereby amended so as to read as follows:

Fran-
chises,
terms of
existence.

Section 7. The legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing or which shall hereafter exist under the laws of this state. The term of existence of any other corporation now or hereafter existing under the laws of this state, may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two thirds of its capital stock or of two thirds of the members thereof. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the

directors of the corporation and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of the corporation shall be extended for the period specified in such certificate, and such corporation shall thereafter pay all annual or other fees required by law to be paid by corporations.

CHAPTER 17.

Senate Concurrent Resolution No. 11.

[Adopted February 28, 1907.]

Resolved by the Senate, the Assembly concurring, That the following be and are hereby adopted as the joint rules of the senate and assembly of the State of California:

JOINT RULES OF SENATE AND ASSEMBLY.

Joint address to governor.

1. When the senate and assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the senate in the presence of the speaker of the house and a select committee of nine (9) members, appointed for that purpose from each house.

Joint rules
of senate
and
assembly.

Bill or resolution in one house, rejected in the other, requires notice.

2. 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.

3. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

Joint and concurrent resolutions.

4. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the legislature are concurrent resolutions.

Joint resolutions treated as bills.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

Amendments to amended bills must be attached.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or

Joint
rules.

amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the senate, or the clerk or assistant clerk of the assembly, as the case may be.

Bills read and referred to committee.

7. When a senate bill has been received by the assembly, or an assembly bill by the senate, with a message announcing that the same has passed the senate or assembly, such bill shall be read the first time by the secretary or clerk and referred to a standing committee.

Special file.

8. After the 14th day of February, 1907, the senate and assembly shall adopt and provide a special file upon which shall be placed: in the senate, only assembly bills that have passed the assembly; and in the assembly, only senate bills that have passed the senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either house except by a three-fourths vote of such house.

Bills not to be printed for engrossment unless amended.

9. Unless bills have been amended they shall not be again printed for engrossment, but the engrossing clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

After a bill has been passed by the senate or assembly.

10. 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, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the senate or assembly forthwith, and the chairman of each committee is charged with the observance of this rule, *provided* that the senate or the assembly may, at any time, order such bill reported back from any committee by a majority vote.

To concur or refuse to concur in amendments.

11. In case the senate amend and pass an assembly bill, or the assembly amend and pass a senate bill, the senate (if it be a senate bill) or the assembly (if it be an assembly bill) must either "concur" or "refuse to concur" in the amendments.

When amendments are concurred in.

12. If the senate concur (if it be a senate bill), or the assembly concur (if it be an assembly bill), the secretary or

clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment. Joint rules.

When senate or assembly refuse to concur.

13. If the senate refuse to concur (if it be a senate bill), or the assembly refuse to concur (if it be an assembly bill), the secretary or clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the president of the senate and three by the speaker of the assembly. The committee on conference shall report to both the senate and assembly.

Committee on conference.

14. 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 committees.

Committee on free conference.

15. If the committee on conference fail to agree, or either the senate or assembly refuse to adopt the report of the committee, it shall then be in order to appoint a committee on free conference.

A committee on free conference shall consist of six members, to be appointed in the same manner as a committee on conference.

The committee on free conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment in either house, and in case of non-agreement no further proceedings shall be had.

When conference committee report is in order.

16. The presentation of report of committee on conference or free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or while the senate or assembly is dividing, or during roll-call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages must be announced by the assistant sergeant-at-arms.

17. When a message shall be sent from either house it shall be announced at the door by the assistant sergeant-at-arms, and shall be respectfully communicated to the chair by the person by whom it may be sent.

Joint
rules.

Secretary, clerk, etc., to carry messages.

18. Messages shall be sent by the secretary, clerk, or by such person as a sense of propriety of each house may determine to be proper.

Notices to be on paper, under proper signature.

19. Notice of the action of either house to the other shall be on paper, and under the signature of the secretary or clerk of the house from which such notice is to be conveyed.

Enrolled bills to receive signature of proper officer.

20. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the enrolling clerk and enrolling committee of the assembly, or of the senate, as the bill may be originated, and shall first receive the signature of the presiding officer and clerk or secretary of the house in which it emanated, before it shall be presented to the governor of the state.

Enrolling committee to compare.

21. When bills are enrolled they shall be re-examined by the enrolling committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

President and speaker to sign bills.

22. After examination and report, each bill shall be signed in the respective houses, first by the speaker of the assembly, then by the president of the senate.

Enrolling committee to present bills to governor.

23. After a bill shall have been thus signed in each house, it shall be presented by the enrolling committee of the house in which it originated to the governor of the state for his approval (it being first indorsed on the back of the bill by the secretary or clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

Daily history of bills, etc.

24. There shall be printed daily, by both the senate and the assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

Secretary and clerk to keep register.

25. The secretary of the senate and clerk of the assembly shall keep a register, in which shall be recorded every action

taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment. Joint rules.

Secretary and clerk shall indorse bills.

26. The secretary of the senate and clerk of the assembly shall indorse on every original bill a statement of any action taken by the senate and assembly.

Adjournment sine die.

27. An adjournment sine die shall only be made by concurrent resolution.

Dispensing with joint rules.

28. No joint rule shall be dispensed with except by a vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

CHAPTER 18.

Assembly Concurrent Resolution No. 20, approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of said City of Vallejo voting thereon at the special election held therein for that purpose on the 5th day of February, 1907.

[Adopted March 6, 1907.]

WHEREAS, The City of Vallejo in the County of Solano, State of California, contains a population of more than three thousand five hundred (3500) inhabitants and

Charter of
City of
Vallejo,
amend-
ments to.
Preamble.

WHEREAS, Said City of Vallejo ever since the 26th day of January, 1899 has been and now is a municipal corporation organized, existing and acting under and by virtue of a Freeholders Charter adopted, ratified and approved in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter has never been amended, and

WHEREAS, The Board of Trustees of said City of Vallejo did by Ordinance No. 353, duly passed by said Board on November 21, 1906 and duly approved by the Mayor of said City on November 22, 1906, describe and set forth twenty-one (21) certain proposals to amend the Charter of said City and

Preamble. WHEREAS, Said proposed amendments were and each of them was published for twenty (20) days in the "Vallejo Evening Chronicle", a daily newspaper printed, published and of general circulation in said City of Vallejo, as required by Section 8 of Article XI of the Constitution of the State of California and

WHEREAS, The said Board of Trustees of said City of Vallejo did by Ordinance No. 361, duly passed by said Board on January 16, 1907 and duly approved by the Mayor of said City on January 17, 1907, order the holding of a Special Election in said City of Vallejo on the 5th. day of February, 1907, said day being at least forty (40) days after the publication of aforesaid proposed amendments as above stated, for the purpose of submitting said proposed amendments to the qualified electors of said City in accordance with the provisions of Section 8 of Article XI aforesaid and

WHEREAS, Said Ordinance No. 361 was published in the "Vallejo Evening Chronicle", a daily newspaper published in said City of Vallejo, for at least ten (10) days prior to the 5th. day of February, 1907 as required by the Charter of said City of Vallejo and

WHEREAS, At said Special Election, twenty (20) of said proposed amendments, to wit, amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, were, and each of them was, ratified by a majority of the qualified electors of said City of Vallejo voting thereon and

WHEREAS, The Board of Trustees of said City of Vallejo, in accordance with the provisions of Section 70, Article IX of the Charter of said City, on the second day after said Special Election, to wit, on February 7, 1907, duly canvassed the returns of said Election and found, determined and declared that at said Special Election twenty (20) of said proposed amendments, to wit, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 were, and each of them was, ratified by a majority of the qualified electors of said City of Vallejo voting thereon and

WHEREAS, The said amendments to said charter so ratified are in words and figures respectively as follows:

AMENDMENT No. 1.

That Section 1, Article I, of the said Charter of said City of Vallejo, be amended so as to read as follows:

Name.
Powers as
body politic.

Section 1.—The municipal corporation now existing and known as the City of Vallejo shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Vallejo, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings whatever; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold, and enjoy real and personal property within and without its boundaries, and all ditches, rights of way, reservoirs, water rights, and property of every description neces-

sary or convenient to supply said City with water, and for proper sewerage and drainage of the City; receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; and shall have the right to construct, own and maintain docks, wharves, piers and slips and to collect tolls thereon; and shall have power to own or lease, and to operate as owner or lessee all necessary works, machinery and appliances for supplying said City and its inhabitants with gas, electricity, telephones, ferries and street railroads, for all purposes for which gas, electricity, telephones, ferries and street railroads may be used, and may incur a bonded indebtedness, if necessary, for the purpose of acquiring the works, machinery or appliances aforesaid.

AMENDMENT No. 2.

That Section 9, Article III, of the said Charter of said City of Vallejo, be amended so as to read as follows:

Section 9.—Each Board of City Trustees shall upon holding their first meeting after their election, elect a President from their own number, who shall hold office for two years or until his successor is elected, and who shall preside at all meetings of the Board in the absence of the Mayor. In the absence of the Mayor and President at any meeting, a President pro tem. may be chosen to preside.

President of board of trustees.

AMENDMENT No. 3.

That Section 27, Article III, of the said Charter of the said City of Vallejo, be amended so as to read as follows:

Section 27.—The Mayor shall preside at all meetings of the Board, and shall not have the right to vote.

Mayor.

Ordinances and resolutions are the formal acts of the Board 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 duly passed by the Board and spread upon the minutes. No order, resolution or ordinance shall have effect without the approval of the Mayor except as hereinafter provided.

Ordinances.
Orders.

In case of orders the approval shall be presumed, unless at the same meeting, the Mayor causes his disapproval, with the reasons therefor, to be spread upon the minutes. In the event of the Mayor disapproving an order, the Board may at the same meeting at which such disapproval was entered, or at any subsequent meeting of the Board up to and including the next regular meeting following the meeting at which said disapproval was entered, re-pass said order, and if it be so re-passed by an affirmative vote of at least four-fifths of the members of the Board of Trustees, it shall on such re-passage

Mayor may disapprove orders.

at once take effect, whether it be approved by the Mayor or not.

Approval
of ordi-
nances.

All resolutions or ordinances, after passage, must be certified by the President of the Board and the City Clerk, and submitted to the Mayor, who shall within five days after he has received the same, endorse his approval or disapproval thereon, giving the reasons for his disapproval in writing. If the Mayor endorses his approval it shall then become an ordinance or an effective resolution, as the case may be. If the resolution or ordinance is returned without the approval of the Mayor, the Board, within thirty days thereafter, may proceed to consider and vote on the same. If the resolution or ordinance is again passed by a vote of at least four-fifths of the members of the Board of Trustees, it shall take effect as a resolution or ordinance, as the case may be, as if the Mayor had approved the same. If the resolution or ordinance shall fail, on being reconsidered, to receive an affirmative vote of at least four-fifths of the members of the board of trustees, it shall then be finally lost. If the resolution or bill is not returned with such approval or disapproval within five days after it is received by the Mayor, then it shall take effect as a resolution or ordinance, as the case may be, the same as if the Mayor had approved the same.

AMENDMENT No. 4.

That said Charter of said City of Vallejo be amended by adding a new section thereto to be known as Section 39½, Article VI, to read as follows:

Mayor pro
tempore.

Section 39½.—In case of the inability of the Mayor to perform his duties or in case of his absence from the city, the President of the Board of City Trustees shall act as the Mayor of the city, subject to the provisions of Section 71, Article IX, of this Charter.

AMENDMENT No. 5.

That Section 42, Article VI, of the said Charter of said City of Vallejo, be amended so as to read as follows:

City
attorney.

Section 42.—There shall be an attorney and counselor of said City of Vallejo, who shall be styled "city attorney," who shall hold office for two years and until his successor is elected and qualified. He shall have been an elector of the City at least two years preceding his election and duly admitted to practice by the Supreme Court of the State of California; and shall have actually been engaged in the practice of his profession for a period of at least two years next before his election.

AMENDMENT No. 6.

That Section 44, Article VI, of the said Charter of the said City of Vallejo, be amended so as to read as follows:

City
engineer.

Section 44.—The city engineer shall be appointed by the Commissioners of Public Works; he shall have been a citizen

of the State and a resident and qualified elector of the City at least two years next before his appointment, and shall hold office for two years and until his successor is appointed and qualified.

AMENDMENT No. 7.

That Section 58, Article VII, of the said Charter of the said City of Vallejo, be amended so as to read as follows:

Section 58.—The officers herein named shall receive the following annual salaries: Salaries of officers.

Mayor	\$ 600 00
Treasurer and Tax Collector.....	900 00
City Clerk.....	1500 00
City Attorney.....	900 00
Auditor and Assessor.....	900 00
Health Officer.....	300 00
Superintendent of Water System and Streets.....	1200 00
Chief of Police.....	1500 00
Policemen (each).....	900 00
Chief of Fire Department.....	200 00
Deputy Superintendent of the Water Department....	900 00

City Engineer to receive fees, to be fixed by the Trustees.

Salaries of all officers to be paid monthly. After having served two years the policeman shall receive an increase of \$120.00 per annum. The change in salaries of the members of the Police Department shall take effect and be in force upon the final adoption of this amendment. Policemen may receive increased salaries, when.

The salaries set forth in this Charter shall be in full for all services rendered. It shall be unlawful for the Board of Trustees, or any other board, to raise the salary of any officer, after his election, or the date of his appointment.

The words "election or appointment" as used in this section shall mean from the time the clerk made out his certificate of election or appointment; and the word "salary," as used in this section, includes all allowances of whatever nature. Definition of certain words.

AMENDMENT No. 8.

That Section 65, Article IX, of said Charter of said City of Vallejo, be amended so as to read as follows:

Section 65.—At the first municipal election held under the provisions of this Charter the following officers shall be elected and biennially thereafter: A mayor; city clerk, who shall also be clerk of the water department, and secretary to the commissioners of public works; auditor, who shall be ex-officio assessor; treasurer, who shall be ex-officio tax collector and license tax collector; city attorney; superintendent of water department, who shall be ex-officio superintendent of streets; two commissioners of public works; also five city trustees, five school directors and five library trustees, who shall hold office for four years; *provided*, that the members of the above boards, at the first meeting of their respective boards, held under the provisions of this charter, shall draw lots for a long and short First election; what officers to be elected.

Allotment of terms of office.

City trustees to be nominated by wards.

term; three members of each board shall retire at the end of two years, their successors shall be elected to hold office for four years; and two shall retire at the end of four years, and their successors shall be elected every four years thereafter. All officers herein named shall be elected at large; *provided* that the members of the board of city trustees shall be nominated from wards, two from the First ward, two from the Second ward, and one from the Third ward, and the official ballots shall be prepared so that they shall show the ward that each candidate is nominated for. All candidates for city trustees shall be voted for by the electors of the entire city without respect to wards, and the nominees from each ward having the highest number of votes shall be declared the trustees from that ward.

The board of city trustees and the board of education shall be the judges of the election and qualification of their own members.

AMENDMENT No. 10.

That Section 93, Article XII, of the said Charter of the said City of Vallejo, be amended so as to read as follows:

Commissioners of public works, powers of.

Section 93.—The commissioners of public works shall have full power and authority over the organization government and discipline of the water works department, and shall have control of the water works, and all other property pertaining or belonging thereto, and shall see that all employees in the department faithfully discharge their duties, and that the laws, ordinances, rules and regulations relating thereto are observed. The commissioners shall make such rules and regulations as may be necessary to secure efficiency in the water works department; they shall only appoint such employees as may be necessary to carry on the work of the department in an efficient manner.

Qualifications of employees.

The commissioners of public works, in making appointments of employees of the water works department, shall be guided solely by the fitness of the applicant; *provided*, that all employees shall be citizens of the United States; and no person shall be appointed to or removed from any position in said department on account of partisanship or political opinions.

The appointment of employees in the office of the water works department shall be made by the commissioners of public works on the recommendation of the clerk of said department.

AMENDMENT No. 11.

That Section 102, Article XIII, of the said Charter of the said City of Vallejo, be amended so as to read as follows:

Board of education.

Section 102.—The government of the school department is hereby vested in a board of education, consisting of five members, who shall be designated school directors, and they shall serve without compensation. The board of education shall

Supervising principals.

appoint the principal of the High School as supervising principal of the said school, and the principal of the Lincoln Grammar School as supervising principal of all schools except the

High School, and as such supervising principal they are respectively given the powers and duties of their respective offices, which powers and duties shall be prescribed by the board of education.

AMENDMENT No. 12.

That Subsection 15, of Section 105, Article XIII, of said Charter of said City of Vallejo, be and the same is hereby repealed.

Subsection 15 repealed.

AMENDMENT No. 13.

That said Charter of said City of Vallejo be amended by adding a new section thereto to be known as Section 105½, Article XIII, to read as follows:

Section 105½.—The board of education shall also have power to prepare plans and recommend and select sites for new school buildings when required; said plans to be approved by the commissioners of public works.

Plans and sites for school buildings.

AMENDMENT No. 14.

That Section 109, Article XIII, of the said Charter of the said City of Vallejo, be amended so as to read as follows:

Section 109.—No teacher shall be elected or appointed to a position in the school department who does not hold a primary, or grammar grade, or high school certificate in full force. All teachers elected to positions in the department who are reported upon favorably by the whole committee on classification shall retain their positions for the ensuing two years without re-election, and shall be removed only for cause. No teacher shall be removed from a position held in the schools of the city except by the votes of four members of the board.

Qualifications of teachers.

AMENDMENT No. 15.

That Section 117, Article XV, of the said Charter of the said City of Vallejo, be amended so as to read as follows:

Section 117.—The police department of the City of Vallejo shall consist of a chief of police, one sergeant to be appointed by the chief from the patrolmen who have served two years, and such number of other policemen, not less than six, and not exceeding one for each 1500 inhabitants, as the board of trustees shall from time to time by ordinance authorize to be appointed. The salary of the sergeant shall be \$90.00 per month. All policemen shall be nominated by the mayor and confirmed by the board of trustees, such appointees to hold office during efficiency and good behavior (*provided*, that the adoption of this amendment shall in no manner be construed as authorizing the appointment of substitutes for the policemen now on the force, except as in the manner provided in Section No. 119 of this Charter). In determining the population of the City for the purpose mentioned in this section, it is provided that the registered vote of the City as it appears by the Great Register of Solano County shall be the basis upon

Police department.

Salary of sergeant.

Population, how determined.

which the population shall be established, and upon the ratio of five inhabitants for each voter registered. Additions to the force shall not be made oftener than once in four years.

AMENDMENT No. 16.

That Section 155, Article XIX, of the said Charter of said City of Vallejo, be amended so as to read as follows:

Publica-
tion by
tax
collector.

Section 155.—Upon receipt by him of the assessment book, the Tax Collector must publish, for at least five days, a notice in some daily newspaper published in the city, specifying: First—That the taxes on all personal property secured by real property, and one-half the taxes on all real property, will be due and payable at the office of the Collector on the first Monday in October, and will be delinquent on the last Monday in November next thereafter, at six o'clock P. M., and that unless paid prior thereto fifteen per cent will be added to the amount thereof, and that if the said one-half with said percentage be not paid before the last Monday in April next thereafter, at six o'clock P. M., an additional five per cent will be added thereto; and that the remaining one-half of the taxes on all real property will be payable on, or after, the first Monday in January next thereafter, and will be delinquent on the last Monday in April next thereafter, at six o'clock P. M., and that unless paid prior thereto five per cent will be added to the amount thereof. Second—That all taxes may be paid at the time the first installment is due and payable.

AMENDMENT No. 17.

Certain
sections
repealed.

That Sections 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 and 206, Article XX, of the said Charter of said City of Vallejo, be, and they are hereby repealed.

AMENDMENT No. 18.

That Section 200, Article XX, of the said Charter of the said City of Vallejo, be amended so as to read as follows:

Accepted
streets;
how
changes
may be
made.

Section 200.—When any street shall have been graded, paved or otherwise improved in accordance with the terms of this charter, and the costs of said improvements shall have been paid by the owners of the lots or lands adjacent thereto, and such grading, paving, or other improvements shall have been accepted and established, no change shall be made in the grade of such street, unless on the petition of the owners of three-fourths of the property fronting on said street. Upon the filing of said petition with the city clerk, the board of trustees shall refer the same to the commissioners of public works, which shall determine whether the improvement described would be a public benefit, and shall report their decision to the board of trustees. If the report of said board should favor granting the request of the petitioners, the board of trustees shall proceed in the manner elsewhere in this charter provided.

AMENDMENT No. 19.

That Section 218, Article XXI, of the said Charter of said City of Vallejo, be and the same is hereby repealed. Section 218 repealed.

AMENDMENT No. 20.

That said Charter of said City of Vallejo be amended by adding a new section thereto to be known as Section 218½, Article XXI, to read as follows:

Section 218½.—The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk; *provided*, that the petition sent to the board of city trustees, the legislative branch of said City of Vallejo, shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, if any. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the board of city trustees shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the board of city trustees shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the board of city trustees that a sufficient petition is filed. The recall.
Petition.
Contents of petition.
Must be verified.
Duty of city clerk.
Amended petition.

The board of city trustees shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned Notice of election.

and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name upon the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

AMENDMENT NO. 21.

That said Charter of said City of Vallejo be amended by adding a new article thereto to be known as Article No. XXII, to read as follows:

Street
improve-
ments.

Section 220.—All streets, lanes, alleys, places or courts, in the city, now open or dedicated or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts for the purposes of this article; and the trustees are hereby empowered to fix the width and grade thereof, and to order to be done therein and thereon any and all street work and street improvement under the proceedings hereinafter described.

Applica-
tions for
improve-
ments.

Section 221.—Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this article, be made in writing to the board of public works; and if the expense thereof is to be assessed upon private property, the board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the trustees; and the trustees shall not order any such improvement until the same has been recommended by said board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than four-fifths of the members of the board of trustees. If an application is made for any work or improvement of which the expense is to be paid by the City, and the Board of Public Works shall not approve of such application, it shall report to the Trustees its reasons for such disapproval, and the Trustees may then, after having obtained from the Board of Public Works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than four-fifths of the members of the Board of Trustees, order the doing of said work, or the making of said improvement.

Sewers.

When
work is
to be
paid for
by city.

The Board of Public Works may also, except as herein prohibited, recommend any improvement, the expense of which

is to be paid by the city, though no application may have been made therefor, and must make, with said recommendation to the Trustees, an estimate of the expense, and in such case the Trustees may order the same done.

Board of public works may recommend.

No street work or street improvements of any kind shall be ordered to be done by the Trustees unless a written recommendation to do the same has been made to them by the Board of Public Works, and all such recommendations shall be made matters of record in the office of said Board.

When the Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the Trustees with said recommendation.

Section 222.—Before recommending to the Trustees the ordering of any work or improvement, the expense of which, or any part thereof, is to be assessed upon private property, the Board of Public Works shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it shall take final action upon said resolution.

Resolution of intention to recommend work.

Upon the passage thereof the Secretary of the Board shall forthwith, without any further authority, cause a copy of said resolution to be posted conspicuously for five days in the office of said Secretary; and to be published for a period of ten days (legal holidays excepted) and cause a copy to be deposited in the postoffice at the city, with postage prepaid, addressed to each person represented on the assessment book of the City for the next preceding fiscal year as being owner of land liable to be assessed for said improvement; but if said lot stand on said book in the name of unknown owners, such notice need not be sent.

Publication of notice.

The Board shall also cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet in distance apart, notices not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of Street Work," in letters of not less than two inches in length, and shall in legible characters state the fact of the passage of said resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars.

Posting of notices.

Section 223.—The owners of a majority of the frontage of the property fronting on said proposed work or improvement, and in the case of a district, those owning more than one-half of the superficial area of the district, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the Secretary of the Board of Public Works, who shall endorse thereon the date of its recep-

Owners may make objections.

tion by him. Such objections shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of the one-half or more of the frontage or of the district, as aforesaid, shall meanwhile petition for the same to be done, and the same shall, after the expiration of said six months, be continued under the resolution of intention first passed if said Board shall deem proper.

If however, the owners of at least two-thirds of the property fronting on said proposed work or improvement, and, in the case of a district, those owning at least two-thirds of the superficial area of the district, shall make written objections to the same within said six months, no further proceedings shall be taken under the aforesaid resolution of intention.

Hearing of objections.

When the work or improvement proposed to be done is the construction of sewers, manholes, culverts or cesspools, and the objections thereto are signed by the owners of a majority of the frontage or of the district as aforesaid, the Board shall at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The Secretary shall thereupon notify the persons making such objections, by depositing a notice thereof in the post office at the city, postage prepaid, and addressed to each objector or his agent when he appears for such objector. At the time specified the Board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and if said objections are overruled the proceedings shall be continued as though no objections had been made.

Petition of remonstrance.

At any time before the making of the assessment as hereinafter provided, all owners of lots of land liable to assessment therein, who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the Secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved or the proceedings to which they object. Such petition or remonstrance shall be passed upon by the Board, and its decision thereon shall be final and conclusive.

When work is of more than local benefit; district expense.

Section 224.—When the contemplated work or improvement in the opinion of the Board of Public Works is of more than local or ordinary public benefit, it may recommend to the Trustees that the expense of such work or improvement be made chargeable upon a district, and said Board shall in its resolution of intention set out the district benefited by said work or improvement and to be assessed to pay the expense thereof. Objections to the extent and boundaries of the district of lands to be benefited by said work or improvement may be made by any interested party, in writing, within ten days after the expiration of the time of publication of the resolution of intention.

The Secretary of the Board shall lay said objections before

it, and the Board shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The Secretary shall thereupon notify the persons making such objections by depositing a notice thereof in the post office at the city, postage prepaid, addressed to each objector. At the time specified the Board shall hear the objections urged and pass upon the same, and if said objections are overruled, its decision shall be final and conclusive as to the extent and boundaries of the district.

Objections.

Hearing.

If the objections are sustained, the Board shall proceed to set out another district to the extent and boundaries of which objections may be made and a hearing had thereon as above provided; and so on in like manner until a district has been set out to the extent and boundaries of which all objections shall be overruled by the Board—its decision in that behalf to be final and conclusive; and thereupon the proceedings shall continue the same as if no objections had been made. In its report to the Trustees the Board shall accompany its report with a diagram on which shall be delineated each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work or improvement proposed to be done within the limits of the district. Such diagram shall be certified to be correct by the Secretary of the Board.

Change of district lines.

Section 225.—When the work under any contract shall have been completed, the contractor shall make and file in the office of the Board of Public Works an affidavit to the effect that he has not entered into any private agreement, verbal or written, with any person liable to be assessed for said work, or with any one on his behalf, to accept a price from him less than the price named in said contract, or to make any rebate or deduction to him from such price. Any such agreement shall be deemed a fraud upon all persons liable to be assessed for such work other than the property owners who were parties to the agreement, and shall make void, as to such persons so defrauded, any assessment made for the work done under such contract; and where there is more than one contractor each contractor shall make such affidavit.

Affidavit of contractor on completion of work.

Section 226.—When any work in or upon any public street shall have been completed according to contract, and the affidavit mentioned in the next preceding section shall have been made, the Board shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of this article, according to the nature and character of the work. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot (if known to the Board, and if not known, the word "unknown" shall be written opposite the number of the lot and the amount assessed

Assessment to cover sum due.

thereon); the number of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for said work. A mistake in the name of the owner shall not invalidate any assessment.

When
expense
falls partly
on rail-
road cor-
poration.

When the expense for such work falls in part upon any person, company or corporation having railroad tracks upon the street where such work has been done, said assessment shall include an assessment against said person, company or corporation, for its legal proportion of said expense, and the same shall constitute a lien upon the roadbed, rolling-stock, franchises and other property of such person, company or corporation, for a period of two years from the date of recording the warrant, assessment and diagram hereinafter provided for.

Expense of
street
work, how
borne and
paid for.

Section 227.—The expense of all work or improvement done upon any part of said streets, lanes, alleys, places or courts under the order of the trustees, shall be borne and paid for as follows:

First—The city shall pay out of the general fund the expense: (a) Of all work done on streets, crossings and intersections of streets that have been or may be accepted by the city, after the acceptance of the same, and all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways. (b) Of all work done in front of, or that may be assessed to property owned by the city, or by any department thereof. (c) Of all work done in front of, or that may be assessed to property owned by the United States.

Second—The expense of all sewers, cesspools, manholes, culverts and drains, and of all grading, planking, macadamizing, paving, piling and capping any street, or portion thereof and of all curbs thereon, and of all work done on sidewalks, shall be assessed upon the lands within the block or blocks adjacent thereto as herein provided, except where by an assessment district it may be provided otherwise.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company or corporation, having railroad tracks thereon, shall be borne and paid for by such person, company or corporation, and shall be included in the assessment hereinbefore provided for.

Limit of
assess-
ment.

No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding assessment book of the city.

Lots front-
ing on
work to be
assessed
per front
foot.

Section 228. Subdivision One—Except where the expense incurred for the street work and improvement authorized herein is to be assessed upon a district as hereinafter provided,

such expense, other than that to be paid by a person, company or corporation having tracks on the street where such work and improvement has been done, shall be assessed upon the lots and lands fronting thereon, except as hereinafter 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.

Subdivision Two—The expense of all improvement except such as is done by contractors under the provisions of section sixteen of this article, until the streets, avenues, street crossings, lanes, alleys, places or courts are finally accepted, as provided in section twenty-three of this article, shall be assessed upon the lots and lands as provided in this section according to the nature and character of the work.

Expense before streets are accepted.

Subdivision Three—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot on 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, 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.

Expense of main street crossings.

Subdivision Four—Where a main street terminates in another main street, the expense 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 the same, according to the frontage of such lots on said main street, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Where a main street terminates in another main street.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street if it does not meet another.

Where an alley crosses a main street.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place, or court, on either side respectively, or to the end of such alley or subdivision street, if it does not meet another.

Alley work.

Subdivision Seven—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 the width of the subdivision street, avenue, alley, place, or court opposite the termination shall be assessed upon the lot or lots fronting on such subdivision street or avenue, lane, alley, place or court so terminating, according to its frontage thereon, half way on each side, respectively, to the

Where an alley terminates in another street.

next street, avenue, lane, alley, court or place, or the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Comple-
tion of un-
improved
portion of
street.

Subdivision Eight—Where any work mentioned in this Article, manholes, cesspools, culverts, crosswalks, piling, and capping excepted, is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street the assessment to cover the total expense of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. When sewerage or re-sewerage is ordered to be done under this sidewalk or only on one side of a street for any length thereof, the assessment for its expense shall be made only upon the lots and lands fronting nearest upon that side, and for intervening intersections only upon the two quarter-blocks adjoining and cornering upon that side.

Owners
may grade
street and
receive
credit
therefor.

Subdivision Nine—Any owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the trustees, may perform at his or their own expense (after obtaining permission from the Board of Public Works so to do, but before said board has passed its resolution of intention to recommend 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 may 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 may file said certificate in the office of the board. Said certificate shall be recorded in a properly indexed book kept for that purpose in the office of the board. Whenever thereafter the Trustees order the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contract must express the price of the cubic yard for cutting and filling in grading, and such 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 street for grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been legally changed, only for so much of said certified work as would be required for grading to the grade as changed. Such owner or owners shall not be entitled to any credit that may be in excess of the assessment for grading upon the lots and land owned by him or them, and proportionately assessed for the whole of said grading. The board 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 changed 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; but he shall not 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. When 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 Trustees shall subsequently order any work to be done of the same class in front of the same block, the work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision ten of this section; but the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the Board of Public Works at the time said order is passed.

Subdivision Ten—The Board of Public Works may include in the resolution of intention any of the different kinds of work mentioned in this Article, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; but this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of this section.

What resolution of intention may include.

Subdivision Eleven—When the resolution of intention declares that the expense of the work and improvement is to be assessed upon a district, immediately after the contractor has fulfilled his contract to the satisfaction of the Board of Public Works or to the satisfaction of the Trustees on appeal, the Board of Public Works shall proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as shown by the diagram provided for in section five of this article, 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 expense of such proposed 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 district benefited thereby, to wit: Upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of

Estimates of benefits.

lots, or subdivisions of land. In other respects the assessment shall be as provided in this Article.

Board may establish a method of assessment in certain cases.

Section 229.—If at any time there shall be any street work or improvement done, and none of the methods hereinbefore provided are legally sufficient to authorize the Board of Public Works to make an assessment to pay for the expense thereof then said board shall, before it passes a resolution of its intention to recommend the ordering of said work or improvement, establish by resolution a method by means of which such assessment shall be made; and on the completion of the work or improvement to the satisfaction of said board, or to the satisfaction of the Trustees on appeal, said board shall make an assessment to pay the expense thereof according to the method established by said resolution.

Assessments, how authenticated.

Section 230.—In making all assessments the Board of Public Works shall act as a board, and the assessment shall be authenticated by the signatures of all the members thereof.

Warrant of assessment, form of.

Section 231.—To said assessment shall be attached a warrant which shall be signed by the President of the Board of Public Works and countersigned by the Secretary thereof. Said Warrant shall be substantially in the following form:

By virtue hereof the Board of Public Works of the city of Vallejo, by the authority vested in it, does authorize and empower (name of contractor) his (or their) agents, or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his (or their) warrant for the same.

(Date) _____ (Name of President of Board of Public Works.)

Countersigned by (Name of Secretary of Board of Public Works).

Shall be recorded.

Said warrant, assessment and diagram, shall be recorded in the office of the board. When so recorded the several amounts assessed shall be a lien upon the lands, lots or portions of lots assessed, respectively for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment and diagram, all persons interested in said assessment shall be deemed to have notice of the contents of the record thereof.

Warrant to be delivered to contractor.

After said warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the board of the incidental expenses not previously paid by the contractor or his assigns. By virtue of said warrant said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

Defective assessments, how cured.

When it shall appear by the final judgment of any court in this state having jurisdiction to render such judgment, that any suit brought to foreclose the lien of any assessment

for street work made under this article, or in the recording thereof, has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality, thereof or therein, or in the return on the warrant issued pursuant to any such assessment, or in the recording of any such warrant any person interested therein may, at any time within seven months after the entry of said final judgment, apply to the board for another assessment to be issued in conformity to law; and the board shall, within sixty days after the time of said application, make and deliver to said applicant a new assessment, diagram and warrant in accordance with law, and sign, record and authenticate the same as above provided. Such assessment shall be a lien upon the lots of land set out therein for the period of two years from the date of its recording, and suit may be brought to enforce said lien as provided in this article. Should such final judgment be that of the Superior Court of the County of Solano and an appeal therefrom to the Supreme Court of the State has been taken, no such other assessment shall be made until said appeal has been determined.

Section 232.—The contractor, or his assigns, or some person on his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person on his or their behalf, shall receipt the same upon the assessment in the presence of the person making such payment, and shall also give a receipt if demanded. When the person so assessed, or their agents, cannot conveniently be found, or when the owner of the lot is stated as "unknown" upon the assessment, then said contractor or his assigns, or some person on his or their behalf, shall publicly demand payment on the premises assessed.

Demand of contractor for payment.

The warrant shall be returned to the Board of Public Works within thirty days after its date with a return indorsed thereon, signed by the contractor or his assigns, or some person on his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the Secretary of the Board shall record the return so made in the margin of the record of the warrant and assessment.

Return of warrant.

The board can at any time receive the amount due upon any assessment and warrant issued by it and give a good and sufficient discharge therefor; but no such payment so made after suit has been commenced shall operate, without the consent of the plaintiff in the action, as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff.

The board may release any assessment upon the books of its office on the payment to it of the amount of the assessment with interest, against any lot or on the production to it of the

Release of assessment.

receipt of the party or his assigns to whom the assessment and warrant were issued. If any contractor shall fail to return his warrant within the time and in the form provided in this section he shall thenceforth have no lien upon the property assessed; but if any warrant is lost, upon proof of such loss, a duplicate may be issued, upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of seven per centum per annum until paid.

Objections
to work
or assess-
ment.

Section 233.—The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this article, or in the assessment, feeling aggrieved by any act or determination of the Board of Public Works in relation thereto, or who claim that the work has not been performed, according to the contract, in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the board, shall, within thirty days after the date of the warrant appeal to the Trustees, by briefly stating their objections in writing, and filing the same with the clerk of the Trustees. Notice of the time and place of hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal the Trustees may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the board relative to said work, may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just; and require the work to be completed according to the directions of the Trustees, and may at their option direct the Board of Public Works to correct the warrant, assessment or diagram, in any particular or to make and issue a new warrant, assessment and diagram to conform to the decisions of the Trustees in relation thereto.

Notice of
hearing.

Decisions
of trustees
at hearing
shall
be final.

All the decisions and determinations of the Trustees upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities, which the Trustees might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the Trustees, as provided in this section, for any error, informality or other defect in the proceedings prior to the assessment, or in the assessment itself, where the Board of Public Works has acquired jurisdiction to make the same.

Contractor
may sue
owner of
lot.

Section 234.—At any time after the period of thirty-five days from the day of the date of the warrant, or if an appeal has been taken to the Trustees, then, at any time after five days from the decision of the Trustees on such appeal, or after the return on the warrant, after the same may have been cor-

rected, altered, or modified, as herein provided, but not less than within thirty-five days from the date of the warrant, the contractor or his assignée may sue in his own name the owner or the mortgagee of the land, lots, or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of seven per centum per annum until paid.

In all cases of recovery under the provisions of this article the plaintiff shall recover the sum of fifteen dollars in addition to the taxable costs, as attorney's fees, but not any percentage upon said recovery. When suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees in addition to all taxable costs, notwithstanding that the suit may be settled or a tender be made before a recovery in said action, and he may have judgment therefor.

Recovery may include attorney's fees.

Said warrant, assessment and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the Board of Public Works and of the Trustees upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the lots of land assessed, and to order such premises, to be sold on execution as is in other cases of the sale of real estate by the process of said courts. In all actions brought to enforce the lien of assessments made pursuant to the provisions of this article the proceedings therein shall be governed and regulated by the provisions of this article, and, when not in conflict herewith, by the codes of this state.

Warrant prima facie regular.

Section 235.—When any portion of the roadway of any street, avenue, lane, alley, court, or place, or any portion of any sidewalk in the city, none of which has been accepted by the Trustees as in this article provided, shall be so out of repair as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the Board of Public Works shall require the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court, or place, by a notice in writing, to be delivered to them or their agents personally, to repair forthwith said portion of said street, avenue, lane, alley, court or place, to the center line thereof, in front of the property of which he is the owner or tenant, or occupant. The board shall particularly specify in said notice what work is required to be done and what material shall be used in said repairs. If said repairs be not begun within five days after notice given as aforesaid and diligently and without interruption prosecuted to completion, the board may make such

Board may order repairs.

repairs, or enter into contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specifications for the doing of said work shall have been conspicuously posted by it in its office for three days, inviting bids for the doing of said work. Said bids shall be delivered to it at its office on or before the second day after the completion of said posting, and opened by it on the next day following, whereupon the contract shall be awarded to the lowest responsible bidder.

All of said bids shall be preserved in the office of the board, and shall be open at all times after the letting of the contract, to the inspection of all persons; and such owner, tenant, or occupant, shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of the board. Upon the completion of such repairs by the contractor as aforesaid to the satisfaction of the board, it shall make and deliver to the contractor a certificate to the effect that such repairs have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that the Board of Public Works has accepted the same.

Section 236.—If the expense of the work and material for the repairs provided for in the last preceding section be not paid on demand to the contractor so employed, or his agent or assignee, said contractor, or his assignee, shall have the right to sue such owner, tenant or occupant for the amount contracted to be paid; and the certificate provided for in said section shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the Board of Public Works in a book kept by it in the office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien as in case of other assessments provided for in this article.

Section 237.—In addition to the remedies above given the Trustees may prescribe the penalties that shall be incurred by any owner or person neglecting or refusing to make repairs when required, as hereinbefore provided. Such penalties shall be enforced for the use of the city by prosecution in the name of the people of the State of California in the court having jurisdiction thereof and may be applied in the case of fines, to the payment of expense of any such repairs not otherwise provided for.

Section 238.—The person owning the fee, or the mortgage of such fee, or the person who, on the day the action is commenced, appears by deed duly recorded in the County Recorder's office of the County of Solano, to have the legal title to the land, or the person in possession of lands, lots, portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as executor, administrator or guardian of the owner, shall be regarded, treated, and

Repairs not paid for, proceedings had.

Trustees may prescribe additional penalties.

Who to be deemed owner.

deemed to be the "owner" for all the purposes of this article. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Section 239.—Any tenant or lessee of any lot of land on which has been imposed an assessment under the provisions of this article may pay said assessment, or he may discharge any liability imposed thereon by virtue of the provisions of this article, or he may redeem the property within the time prescribed by law, if legally sold on execution, and may deduct the amount so paid from the rents due and to become due from him; and he shall have a lien upon, and may retain possession of, said lots until the amount so paid and advanced with legal interest thereon, be satisfied from accruing rents or by payment by the owner.

Tenant
may pay
assessment.

Section 240.—The records kept by the Board of Public Works shall have the same force and effect as other public records, and duly certified copies therefrom may be used in evidence with the same effect as the originals. Said records shall, during all office hours, be open, free of charge, to the inspection of any citizen wishing to examine them.

Records,
force and
effect of.

Section 241.—Notices in writing required to be given by the board may be served by any person over the age of twenty-one years, and the fact of such service may be verified by the oath of the person making it. Such oath may be taken before the secretary of said board or before any member thereof.

Notices,
service of.

Section 242.—When any street or portion of a street has been or shall hereafter be fully constructed to the satisfaction of the Board of Public Works and of the Trustees, and is in good condition throughout and a sewer, gas pipes, and water pipes are properly laid therein the same shall be accepted by the Trustees by ordinance; and thereafter such street or portion of a street shall be kept in repair and improved by the city. The Trustees shall not accept any portion of a street less than the entire width of the roadway, including the curbing, and one block in length, or one entire crossing; but they may partly or conditionally accept any street, without sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that they deem such sewer, or gas pipes, or water pipes to be then unnecessary. In such case the lots of land previously or at any time assessable for the cost of constructing a sewer shall remain and be assessable for such cost and for the cost of repairs and restoration of the street damaged in said construction, whenever the Trustees shall deem a sewer to be necessary and shall order it to be constructed. The Board of Public Works shall keep in its office a register of all streets accepted by the Trustees under this section, which register shall be indexed for easy reference thereto.

When
streets
may be
accepted.

Section 243.—The Board of Public Works may at any time, without any application therefor, recommend to the Trustees to order the paving or macadamizing of the portion of any

Paving of
streets
having
railroad
tracks
thereon.

street required by law to be paved or macadamized by the person, company or corporation having railroad tracks thereon. Upon such recommendation the Trustees shall by ordinance order said work to be done and direct said board to notify said person, company, or corporation of the fact of the passage of such ordinance.

Notifica-
tion to cor-
poration.

The secretary of said board shall thereupon forthwith in writing notify said passage of said ordinance; and if said person, company or corporation shall not within ten days after receiving said notice commence in good faith to do said work and prosecute the same diligently to completion, the board shall invite sealed proposals for doing said work in the manner provided in this article; and all the provisions of this article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of the board the contractor shall be entitled to recover from such person, company or corporation, the contract price for the expense of said work, together with incidental expenses, in an action instituted in a court of competent jurisdiction. On the trial of such action, the certificate of the board on completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto and of plaintiff's right to recover in said action.

Improve-
ments
must
include
width of
streets.

Section 244.—Except as otherwise in this article specifically provided, no ordinance for the improvement of any street other than for sewers, sidewalks or curbs, except for the improvement of the streets constituting or lying along the water front of the city, and except for such work as is provided for in the next preceding section shall be passed by the Trustees without extending said improvement throughout the whole width of such street.

Defini-
tions.

Section 245.—Wherever in this article the word "street" occurs, it shall be held to include all streets, lanes, alleys, places and courts which have been, or may be hereafter, dedicated and open to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets.

The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling, and capping; and the construction and repairs of sewers, cesspools, manholes, culverts, drains, sidewalks, and curbs.

The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing.

The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor.

The term "quarter block" as used in this article as to irregular blocks, shall be deemed to include all lots or portions of lots, having any frontage on either intersecting street half way from such intersection to the next main street, or, when

no main street intervenes, all the way to a boundary line of the city.

The word "paved" shall include any pavement of stone, iron, wood, or other material which the Trustees may by ordinance order to be used; but no patented pavement shall be ordered during the existence of the patent therefor, until the owner of such patent shall have transferred to the city all right to the use of the same therein, with the privilege to any person to manufacture and lay the same upon its streets under any contract that may be awarded to him, or entered into by him with the city.

The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for, and all expenses for surveying, measuring and inspecting the work.

All notices and resolutions required in this article to be published shall be published daily, legal holidays excepted, in a newspaper published in said city.

Publications of notices.

All notices herein required to be served, whether by delivery, mailing or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the newspaper, or his clerk, of the publication of any notice required in this article to be published, shall be prima facie evidence of such publication.

Service of notices.

Section 246.—When the owners of all the lands fronting upon any street which is less than sixty feet in width, for the entire distance of said street, or for the distance of one or more entire blocks, shall petition the Board of Public Works that the said street or that portion thereof upon which said lands front, be closed, the board may pass a resolution recommending that the same be closed. Before passing such resolution the board shall cause a notice of the application to be published in a newspaper, in said city, and shall fix a time and place at which it will consider the same and hear objections thereto. Upon such hearing it shall determine whether it will recommend that the street be closed; and if it shall so determine, it shall transmit such recommendation to the Trustees. Thereupon the Trustees may pass an ordinance that the street be closed; and the same shall not thereafter be, or be deemed to be, a public street, or subject to any public expense or improvement; and the land theretofore included within the roadway and sidewalks of said street shall thereafter be the property of the city. No such ordinance shall be passed until the petitioners shall have paid all the expenses of said proceedings.

Petition to close street.

Hearing.

Section 247.—The board shall annually invite proposals for cleaning and sprinkling such of the streets of the city as the board shall determine should be cleaned and sprinkled at the public expense. Before causing notice for such proposals to be published, the board shall divide the city into such number of districts as in its judgment will best induce competition for

Cleaning and sprinkling streets.

bids, and secure the cleaning and sprinkling of the streets at the lowest cost. The secretary of the board shall, under its direction, on the first Monday in May of each year, cause to be published for a period of ten days a notice inviting proposals for cleaning and sprinkling each of said districts specifying in said notice the streets of each district which are to be cleaned and sprinkled, the number of times a week that they are to be cleaned and sprinkled, and the amount of security to be given with each contract. Bids shall be made for each district separately. All the provisions of this charter, in relation to the making and opening of bids, awarding of contracts, and entering into and performance of contracts, shall be applicable to said contracts.

The board may, at the time it invites proposals for said cleaning and for said sprinkling, also invite proposals for said cleaning separately and for said sprinkling separately, and may award such contracts accordingly as may be for the best interest of the city.

Street sweeping.

The board may also, with the consent of the Trustees expressed by ordinance, purchase one or more machines for sweeping the streets and may enter into contracts for sweeping the streets with said machines; but the board must give the preference to hand-sweeping so far as it can do so with reference to the proper sweeping of the streets and to the funds at its disposal.

Submission to legislature.

AND WHEREAS, The said proposed amendments to the Charter of the City of Vallejo, so ratified as aforesaid and as hereinbefore set forth, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California,

STATE OF CALIFORNIA, }
 COUNTY OF SOLANO, CITY OF VALLEJO. } SS.

Certificate of mayor and city clerk.

This is to certify that we, J. J. Madigan, as Mayor of the City of Vallejo in the County of Solano, State of California, and Joseph Cunningham, as City Clerk of said City of Vallejo, have compared the foregoing proposed and ratified amendments to the Charter of said City of Vallejo with Ordinance No. 353 above referred to, being the original Ordinance setting forth and describing said proposed amendments to said Charter, and also with Ordinance No. 361, likewise above referred to, calling and providing for aforesaid Special Election of February 5, 1907, and find that each of said proposed amendments as hereinbefore set forth is a full, true, correct and exact copy of its respective original as set forth in aforesaid Ordinances Nos. 353 and 361.

J. J. MADIGAN

As Mayor of the City of Vallejo.

[SEAL.]

J. F. CUNNINGHAM

As City Clerk of the City of Vallejo.

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the Charter of the said City of Vallejo hereinbefore set forth as presented and submitted to and adopted and ratified by a majority of the qualified electors of said City voting thereon at the said Special Election held in said City on February 5, 1907 be, and the same are, hereby approved as a whole for and as amendments to the Charter of the said City of Vallejo, County of Solano, State of California.

Approval
by legisla-
ture.

CHAPTER 19.

Assembly Constitutional Amendment No. 3. Resolution to amend section 2½ of article 2 of the constitution.

[Adopted March 6, 1907.]

The legislature of the State of California, at its thirty-seventh session, commencing on the 7th day of January, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section 2½ of Article 2 of the Constitution of the State of California, be amended so as to read as follows:

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

Primary
elections.

CHAPTER 20.

Senate Concurrent Resolution No. 13, approving an amendment to the charter of the City of San José, a municipal corporation in the county of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 1st day of August, 1906.

[Adopted March 6, 1907.]

Charter of
City of
San José,
amend-
ment to.

WHEREAS, The City of San José, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein referred to, a city containing a population of more than three thousand and five hundred inhabitants and not more than thirty thousand inhabitants; and

Preamble.

WHEREAS, At a special municipal election duly held in said city on Monday, November 2nd, 1896, in accordance with law and the provisions of section eight of article eleven of the constitution of said state, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was on January 2nd, 1897, signed in duplicate by all the members of said board of fifteen freeholders, and was on said last named day returned, one copy thereof to the Mayor of said city, and the other to the County Recorder of Santa Clara County; and

WHEREAS, Such proposed charter was then published in three daily newspapers of general circulation in said City of San José, to wit, "San José Daily Mercury," "San José Daily Herald," and "The Evening News," for more than twenty days, such publication in each instance having commenced on said January 2nd, 1897; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of San José, to wit: The Mayor and Common Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on February 23rd, 1897; and

WHEREAS, The returns of said election were duly canvassed by said Mayor and Common Council of said City of San José, at a meeting held on Wednesday, February 24th, 1897, (which said meeting was duly convened); and

WHEREAS, At said special election a majority of such qualified electors of said city, voting at such special election, did vote in favor of and ratify said charter so proposed; and

WHEREAS, Said Mayor and Common Council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The said Charter was afterwards submitted to the legislature of the State of California, for its approval or rejec-

tion as a whole without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the constitution of said state; and

WHEREAS, On the fifth day of March, 1897, by concurrent resolution of the senate and assembly of the said legislature (a majority of all the members of each house voting for and concurring therein), the said charter was ratified and approved as a whole, for and as the charter of the said City of San José; and

WHEREAS, One copy of said charter so ratified and approved was deposited in the office of the Secretary of State of the State of California; and

WHEREAS, One copy of said charter so ratified and approved was duly and regularly recorded in the office of the County Recorder of the County of Santa Clara, State of California, on the 24th day of March, 1897, and was, after being so recorded deposited in the archives of the said City of San José; and

WHEREAS, Said charter so ratified and approved, has not been amended within two years from the date hereof; and

WHEREAS, The Mayor and Common Council, being the legislative authority of said City, by ordinance duly and regularly passed by said Council in accordance with law and with the provisions of said charter on the 29th day of May, 1906, and approved by the Mayor of said city on the 29th day of May, 1906, did, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, propose to the qualified electors of said City of San José, a certain amendment to the said charter of said city; and

WHEREAS, Said ordinance so passed and approved as aforesaid, called a special election to be held on the 1st day of August, 1906, for the purpose of submitting, and submitting to the qualified electors of said City said proposed amendment to said charter; and

WHEREAS, Said ordinance containing said proposed amendment to said charter was, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days, after its passage and approval, in the San José Herald, a daily newspaper published and of general circulation in the said City of San José; and

WHEREAS, Said special election was held in the said City of San José on the first day of August, 1906, which day was more than forty days after said proposed amendment had been published for twenty days as aforesaid; and

WHEREAS, At a meeting duly convened in accordance with law and with the provisions of said charter, the Mayor and Common Council of the City of San José, duly and regularly canvassed the returns of said special election; and

WHEREAS, At such special election so held on the 1st day of August, 1906, said proposed amendment was ratified by more than a majority of the votes of the qualified electors voting thereat; and

WHEREAS, Said Mayor and Common Council after canvassing said returns, duly found and declared that said proposed

Preamble.

Preamble. amendment had been ratified by a vote of more than a majority of the qualified electors voting at said election; and

WHEREAS, The said proposed amendment so ratified by the electors of said city at such election is now submitted to the legislature of the State of California for approval or rejection, 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

WHEREAS, The said amendment to said charter so ratified by more than a majority of the votes of the qualified electors of the City of San José voting at said election is in words and figures as follows, to wit:

Amendment to charter.

“AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSÉ, RATIFIED BY THE VOTES OF MORE THAN A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE SPECIAL ELECTION HELD FOR THAT PURPOSE ON THE FIRST DAY OF AUGUST, NINETEEN HUNDRED AND SIX.

“That section five of article four of said charter is hereby amended to read as follows:

Bonded indebtedness, proceedings for incurring.

SEC. 5. Whenever the Mayor and Common Council shall by ordinance determine that the public interest or necessity demands the acquisition, construction, reconstruction, completion or repair, of any municipal improvement, the cost of which would be too great to be paid out of the ordinary annual income and revenue of the city, the Mayor and Common Council is hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement set forth in said ordinance. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the Mayor and Common Council may issue bonds of said city in evidence of said indebtedness; *provided*, that such indebtedness, together with the unpaid and outstanding bonded indebtedness actually existing at the time such proposition is submitted to said voters, shall not exceed five per cent of the assessed value of all the real and personal property in said city.”

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, }
CITY OF SAN JOSÉ. } ss.

Certificate of mayor and city clerk.

This is to certify that we, H. D. Mathews, Mayor of the City of San José and Roy E. Walter, City Clerk of the City of San José, have compared the foregoing proposed and ratified amendment to the charter of the said City of San José with the original ordinance proposing such amendment and submitting the same to the qualified electors of said city at a special election called for that purpose on the first day of August, nineteen hundred and six, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter 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 José, this seventh day of February, nineteen hundred and seven.

H. D. MATHEWS,
Mayor of the City of San José.

[SEAL.]

ROY E. WALTER,
City Clerk of the City of San José.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly Approval
of legis-
lature.
concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That said amendment to the charter of the City of San José, hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as part of the charter of the said City of San José.

CHAPTER 21.

Assembly Constitutional Amendment No. 8. Resolution to amend section six of article nine of the Constitution of California.

[Adopted March 6, 1907.]

The legislature of the State of California at its 37th session commencing on the 7th day of January, 1907, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby propose that section six of article nine of the constitution of the State of California be amended to read as follows:

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

CHAPTER 22.

Assembly Constitutional Amendment No. 7.

[Adopted March 8, 1907.]

The legislature of the State of California, at its regular session commencing on the seventh day of January, A. D. nineteen hundred and seven, two thirds of all the members elected to each of the houses voting in favor thereof, hereby propose that section five of article eleven of the Constitution of the State of California, be amended so as to read as follows:

County
govern-
ment.

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

CHAPTER 23.

Assembly Joint Resolution No. 7, relative to the mining interests of the State of California.

[Adopted March 8, 1907.]

Preamble.

WHEREAS, Mining is one of the paramount industries of California in which large amounts of capital are invested; in which a very large portion of the people are interested; which opens very large opportunities for high priced and well paid labor, creates and sustains enormous manufacturing, trading and other business interests; and

WHEREAS, There are great areas of the state still unworked and which will if worked yield great values in gold, create great demand for labor at extremely remunerative wages; maintain a large population and cause greatly increased and continued activity in manufactures, trading and business of all kind, and contribute very greatly to the general welfare of the entire people of the state; and

WHEREAS, Under the decisions of courts, alleged injury to the rights of others, the business of mining has been greatly hampered to the great injury to the people of mining localities specially and the people of the state generally; and

WHEREAS, It is in the power of the United States government to devise ways and means whereby mining can be rehabilitated; therefore be it

Resolved, by the Senate and Assembly of the State of California, jointly, That congress be requested to enact such legislation and devise such ways and means as will allow unrestricted prosecution of mining without injury to private or public interests. Mining legislation by congress, committee to urge.

Resolved, That a committee of three persons to be selected by the mining interests of California, approved by the governor of the state, be authorized to proceed to the congress and urge such legislation as will effectuate the object of the resolution, *provided* that the State of California shall in no wise be responsible, nor pay any expense whatever incurred by such committee, and be it further

Resolved, That the chief clerk of the assembly be and he is hereby requested to mail a copy of this resolution to each of our senators and representatives in congress.

CHAPTER 24.

Assembly Concurrent Resolution No. 19, relative to adjournment sine die.

[Adopted March 9, 1907.]

Resolved by the Assembly, the Senate concurring, That the thirty-seventh session of the legislature adjourn sine die at twelve o'clock meridian, Tuesday, March 12th, 1907. Adjournment sine die.

CHAPTER 25.

Assembly Concurrent Resolution No. 23, approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 1st day of March, 1907.

[Adopted March 9, 1907.]

WHEREAS, The City of Riverside, a municipal corporation, in the County of Riverside, State of California, is now, and was at all the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants; and Charter of the City of Riverside.
Preamble.

WHEREAS, At a special municipal election duly held in said city on the ninth day of October, nineteen hundred and six, in

Preamble. accordance with law, and the provisions of section eight of article eleven of the constitution of said state, a board of fifteen freeholders, duly qualified, was elected in and by said city and and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, Such charter was, on the thirty-first day of December, in the year one thousand nine hundred and six, signed in duplicate by all of the members of said board of freeholders and, on said last mentioned day, one copy was returned to and filed with the chairman of the board of trustees, and the other copy thereof was filed with, and in the office of the county recorder of the County of Riverside; and

WHEREAS, Such proposed charter was then published in two daily newspapers of general circulation in said City of Riverside, to-wit: "Riverside Enterprise," and the "Riverside Daily Press," for more than twenty days, and the first publication thereof was made within twenty days after the completion of said charter; and

WHEREAS, Said charter was within not less than thirty days after the completion of said publication submitted by the said board of trustees of the City of Riverside to the qualified electors of the said city at a special election previously duly called and thereafter held therein on the first day of March, A. D. nineteen hundred and seven; and

WHEREAS, At said election a majority of such qualified electors voting thereat did vote in favor of and duly ratified said charter so proposed; and

WHEREAS, Said board of trustees after canvassing said returns duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the constitution of said state; and

WHEREAS, The said charter so ratified is in the words and figures following, to-wit:

Charter. CHARTER PREPARED AND PROPOSED FOR THE CITY OF RIVERSIDE BY THE BOARD OF FREEHOLDERS; ELECTED ON THE NINTH DAY OF OCTOBER, A. D. NINETEEN HUNDRED SIX.

CHARTER OF THE CITY OF RIVERSIDE.

ARTICLE I.

GENERAL POWERS OF THE CITY.

General Powers.

SECTION 1. The municipal corporation now existing, known as the City of Riverside, shall remain and continue a body politic and corporate in name and in fact by the name of the City of Riverside and by that name shall have perpetual succession; may sue and be sued in all courts and places and in all pro-

ceedings whatever; shall have and use a common seal alterable at the pleasure of the said city; may purchase, lease, receive, hold and enjoy real and personal property and control and dispose of the same for the common benefit; may determine and declare what are public uses and when the necessity exists, of condemning property therefor; may receive bequests, gifts or donations of every kind of property, within or without said city, in fee simple or in trust for charitable or other lawful purposes, with full power to do and perform all acts and things necessary to carry out the purposes of such bequests, gifts or donations; and may do and perform all other acts necessary or incident to the exercise of the powers by this charter or otherwise granted to said city.

SEC. 2. The City of Riverside shall continue under this charter to have, hold and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality and is hereby declared to be the successor of the same. Rights.

ARTICLE II.

BOUNDARIES AND WARDS OF THE CITY.

SECTION 3. The boundaries of the City of Riverside shall be and remain as now fixed and established and are described as follows: Boundaries of city.

Commencing at the northeast corner of section thirteen (13), township two (2) south, range five (5) west of San Bernardino base and meridian; thence along the north line of said section thirteen (13) to the easterly line of Jurupa Rancho; thence southerly along the easterly line of Jurupa Rancho to the southeasterly corner of lot one hundred five (105) of the lands of the Southern California Colony Association as surveyed by Goldsworthy and Higbie, a plat of which survey is of record in the office of the county recorder of the county of San Bernardino, State of California; thence in a northwesterly direction along the southerly side of lots one hundred five (105), one hundred four (104), one hundred three (103), one hundred two (102), one hundred one (101), one hundred (100) and ninety-nine (99) of said lands, according to said plat; thence on the same direct line produced to the southerly or left bank of the Santa Ana river; thence along the southerly or left bank of said river to the west line of township two (2) south, range five (5) west of San Bernardino base and meridian; thence south along said township line to the southeast corner of La Sierra Rancho; thence in a southwesterly direction on the line of La Sierra and El Sobrante de San Jacinto Ranchos to the west line of township three (3) south, range six (6) west of said base and meridian; thence in a southeasterly direction in a direct line to the southwesterly terminus of Magnolia avenue as shown upon a plat of a survey of the lands of the Riverside Land and Irrigating Company, of record in the office of the county recorder of the County of San Bernardino, State of California, in book one of maps, at page seventy thereof; thence along the southerly

boundary of the lands of said company as segregated from El Sobrante de San Jacinto Rancho, to the west line of township three (3) south, range five (5) west; thence south along said township line to the southwest corner of section nineteen (19), township three (3) south, range five (5) west; thence east on section lines to the southeast corner of section nineteen (19), township three (3) south, range four (4) west; thence north along section lines to the southeast corner of section thirty-one (31), township two (2) south, range four (4) west; thence west to the southwest corner of said section thirty-one (31); thence north along the township line between township two (2) south, range four (4) west and township two (2) south, range five (5) west to the place of beginning.

Bound-
aries of
wards.

SEC. 4. The City of Riverside is hereby divided into six wards, which shall be designated respectively the First Ward, the Second Ward, the Third Ward, the Fourth Ward, the Fifth Ward and the Sixth Ward, and are described as follows:

First Ward.

First ward.

Commencing at the intersection of the northerly boundary line of the City of Riverside with the westerly boundary line of the city, which is the southerly or left bank of the Santa Ana river; thence easterly along said northerly boundary line to the extreme northeasterly corner of the city; thence south along the east boundary line of the city to its intersection with the center of the right of way of the Southern California Railway Company; thence southwesterly along the said center of the right of way of the Southern California Railway Company to its intersection with the center line of Fourth street; thence westerly along the center line of Fourth street and the center line of Fourth street prolonged to the intersection of said center line of Fourth street prolonged with the westerly boundary line of the city; thence northerly along the westerly boundary line of the city to the northerly boundary line of the city, the point of beginning.

Second Ward.

Second
ward.

Commencing at the intersection of the center line of Main street with the center line of Fourth street in the city; thence southerly along the center line of Main street to its intersection with the center line of Fourteenth street; thence westerly and southerly along the center line of Fourteenth street to its intersection with the center line of Cypress avenue; thence along the center line of Cypress avenue in a southerly and a westerly direction to its intersection with the southerly bank of Tequesquite arroyo; thence westerly along the southerly bank of Tequesquite arroyo to its intersection with the center line of Brockton avenue; thence northerly along the center line of Brockton avenue to its intersection with the center line of Tequesquite avenue; thence along the center line of Tequesquite avenue in a westerly direction to a point where the westerly line of lot two hundred ninety-six (296) of the lands of the Southern California Colony Association, prolonged south-

erly, intersects the center line of Tequesquite avenue; thence northerly along said westerly line of said lot two hundred ninety-six (296) of the lands of the Southern California Colony Association to its intersection with the southerly or left bank of the Santa Ana river; thence easterly along the southerly or left bank of the Santa Ana river to its intersection with the center line of Fourth street prolonged in a westerly direction; thence easterly along the center line of Fourth street prolonged and along the center line of Fourth street to its intersection with the center line of Main street, the point of beginning.

Third Ward.

Commencing at the intersection of the center line of Main street with the center line of Fourth street in the city; thence southerly along the center line of Main street to its intersection with the center line of Fourteenth street; thence westerly and southerly along the center line of Fourteenth street to its intersection with the center line of Cypress avenue; thence along the center line of Cypress avenue in a southerly and westerly direction to its intersection with the southerly bank of Tequesquite arroyo; thence easterly along the southerly bank of the Tequesquite arroyo until it intersects the upper canal of the Riverside Water Company; thence northerly along the upper canal of the Riverside Water Company until it intersects the center line of Fourth street; thence westerly along the center line of Fourth street to its intersection with the center line of Main street, the point of beginning.

Third ward.

Fourth Ward.

Commencing at the intersection of the center of the right of way of the Southern California Railway Company with the easterly boundary line of the city; thence in a southwesterly direction along the center of the right of way of said Southern California Railway Company to its intersection with the center line of Fourth street; thence westerly along the center line of Fourth street to its intersection with the upper canal of the Riverside Water Company; thence southerly along said canal to its intersection with the center line of Fourteenth street; thence easterly along the center line of Fourteenth street to its intersection with the center line of High street; thence south along the center line of High street to its intersection with the center line of Pennsylvania avenue; thence east along the center line of Pennsylvania avenue to the east boundary line of the city; thence north along the east boundary line of the city to its intersection with the center line of the right of way of the Southern California Railway Company, to the point of beginning.

Fourth ward.

Fifth Ward.

Commencing at the intersection of the center line of Fourteenth street with the upper canal of the Riverside Water Company; thence running easterly along the center line of Fourteenth street to its intersection with the center line of

Fifth ward.

High street; thence south along the center line of High street to its intersection with the center line of Pennsylvania avenue; thence east along the center line of Pennsylvania avenue to the east boundary line of the city (being the east line of township two south, range five west of San Bernardino base and meridian); thence south along said township line to the northwest corner of section six, township three south, range four west of said base and meridian; thence east along the north line of said section six to the northeast corner of said section six; thence south along the east line of sections six, seven, eighteen and nineteen, township three south, range four west of said base and meridian to the southeast corner of said section nineteen; thence west along the south boundary line of section nineteen, township three south, range four west and sections twenty-four, twenty-three, twenty-two, twenty-one, twenty and nineteen, township three south, range five west to the west boundary line of township three south, range five west; thence north along the west line of said township three south, range five west to its intersection with the lower canal of the Riverside Water Company; thence easterly and northeasterly along said canal to its intersection with the center line of Indiana avenue; thence easterly along the center line of Indiana avenue to its intersection with the upper canal of the Riverside Water Company; thence northeasterly along said canal to its intersection with the center line of Fourteenth street, the point of beginning.

Sixth Ward.

Sixth
ward,

Commencing at the intersection of the west boundary line of township two south, range five west of San Bernardino base and meridian with the southerly or left bank of the Santa Ana river; thence south on said township line to the southeast corner of La Sierra Rancho; thence in a southwesterly direction on the line of La Sierra and El Sobrante de San Jacinto Ranchos to the west line of township three south, range six west; thence in a southeasterly direction in a direct line to the southwesterly terminus of Magnolia avenue as shown upon a plat of a survey of the lands of the Riverside Land and Irrigating Company, of record in the office of the county recorder of the County of San Bernardino, State of California, in book one of maps on page seventy thereof; thence along the southerly boundary line of the lands of said company as segregated from La Sierra de San Jacinto Rancho to the west line of township three south, range five west; thence north along said township line to its intersection with the lower canal of the Riverside Water Company; thence northeasterly along said canal to its intersection with the center line of Indiana avenue; thence easterly along the center line of Indiana avenue to its intersection with the upper canal of the Riverside Water Company; thence northeasterly along the said canal to its intersection with the southerly bank of Tequesquite arroyo; thence northwesterly along the southerly bank of Tequesquite arroyo to its intersection with the center line of Brockton

avenue; thence northerly along the center line of Brockton avenue to its intersection with the center line of Tequesquite avenue; thence along the center line of Tequesquite avenue in a westerly and southwesterly direction to a point where the westerly line of lot two hundred ninety-six (296) of the lands of the Southern California Colony Association, prolonged southerly, intersects with the center line of Tequesquite avenue; thence northerly along the westerly line of lot two hundred ninety-six (296) of the lands of the Southern California Colony Association to its intersection with the southerly or left bank of the Santa Ana river; thence southwesterly along the southerly or left bank of the Santa Ana river to its intersection with the west line of township two south, range five west, the point of beginning.

SEC. 5. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by the mayor and council; *provided*, that such change shall not be made more than once in every two years and shall be made at least ninety days before any general municipal election.

How ward boundaries may be changed.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

CHAPTER 1.

THE COUNCIL.

SECTION 6. The legislative power of the city is hereby vested in a mayor and a common council consisting of six members. A member of the council must be at least twenty-five years of age and must have been a qualified elector of the city for the three years and a resident of the ward from which he is elected for one year next preceding the day of his election, and in case any member of the council shall change his residence from the ward which he represents his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is included within a different ward from that from which he was elected shall lose his office by reason of such change.

City council, qualifications of members.

SEC. 7. Four members of the council shall constitute a quorum, but a less number may adjourn from time to time or compel the attendance of other members. No order, except to adjourn for a lack of quorum or to compel the attendance of a quorum, and no ordinance or resolution shall be valid unless it receives the affirmative vote of four councilmen, such vote to be by the ayes and noes and recorded on the journal.

Quorum.

SEC. 8. No resolution granting any franchise and no ordinance for any purpose shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other than a regular or an adjourned regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or at an adjourned regular meeting.

Resolutions, orders, and ordinances.

Same. SEC. 9. Ordinances and resolutions are the formal acts of the 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 duly passed by the council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the mayor. In the case of orders, the approval of the mayor shall be presumed, unless at the same meeting at which the order was passed, the mayor causes his disapproval with his reasons therefor to be spread upon the minutes.

Mayor may approve or veto. All resolutions and ordinances after passage by the council must be submitted to the mayor who shall, within ten days after he has received the same, endorse his approval or disapproval thereon, giving the reason of his disapproval; *provided, however,* that if the mayor disapproves any order, resolution or ordinance it may be passed by a vote of not less than five members of the council and shall then be as valid as if approved by the mayor. Any written contract requiring the action of the council shall be subject to the approval of the mayor in the same manner as resolutions and ordinances.

Publica- tion of or- dinances. SEC. 10. All ordinances shall be attested by the city clerk, and before taking effect, shall be published at least once in a newspaper published in said city, or posted in at least three public places therein or printed and mailed as provided in Section 251, Article XVIII.

Rules. SEC. 11. The council shall judge of the qualifications of its members and of all election returns and determine contested elections of all city officers. The council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly behavior at any meeting, and shall cause the city clerk to keep a correct journal of all its proceedings and at the desire of any member of the council shall cause the ayes and noes to be taken on any question and entered on the journal.

Meetings. SEC. 12. All meetings of the council shall be public and the council shall by ordinance fix the time and place of all regular meetings; *provided,* that at least one regular meeting shall be held each month and until such ordinance is passed, the existing ordinance of the city relating to meetings of the board of trustees shall apply. Adjournments may be taken from a meeting to a day certain and in such case the adjourned meeting shall be deemed an adjourned regular meeting. Special meetings may be called by the mayor or by two members of the council as herein provided, but no business can be transacted except that mentioned in the call.

Presiding officer. SEC. 13. The mayor shall preside at all meetings of the council but shall not be entitled to vote, except in case of a tie, when he shall have the casting vote. The council shall choose one of their own number to preside in the absence of the mayor and who shall retain the right to vote upon all questions under consideration. The member thus chosen shall be designated the president of the council. In case of vacancy or if by reason of absence from the city or sickness or from any other

cause the mayor is unable to perform the duties of his office, the president of the council shall act as mayor pro tempore and shall have all powers and authorities which the mayor would have possessed if personally present and attending to such duties, but such mayor pro tempore shall not lose his vote as councilman.

SEC. 14. The enacting clause of all ordinances shall be as follows: "The mayor and common council of the City of Riverside do ordain as follows:" Enacting
clause

CHAPTER 2.

POWERS OF THE COUNCIL.

(a) *General corporate and governmental powers.*

SECTION 15. The mayor and common council of said city shall have power: General
powers of
council.

1. To pass ordinances, not in conflict with the constitution of this state or of the United States or the provisions of this charter;
2. To purchase, lease or receive such real estate and personal property within and without the limits of said city as may be necessary or proper for municipal purposes and to operate, lease, control, dispose of and convey the same for the benefit of the city;
3. To erect and maintain buildings for municipal purposes;
4. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights and water works, within or without the corporate limits, necessary or convenient for the use of the said city or its inhabitants;
5. To establish and maintain police and fire departments;
6. To provide a seal for the City of Riverside, for the police courts and for such officers and departments of the city government as may require the same;
7. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts as provided for in this charter and appoint necessary election officers;
8. To contract for supplying the city 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;
9. To acquire, own, construct, maintain and operate street and other railroads and other means of public conveyance of passengers and freight, telephone and telegraph systems, gas, electric and other works for light, heat, power, ice and refrigeration, public libraries, museums, gymnasiums, parks, lavatories, toilets and baths;
10. To own, manage and control cemeteries within or without the city; to sell or lease lots therein; to regulate or prohibit the burial of the dead in the city; and to authorize the disinterment and removal of any body buried within said city or in a cemetery belonging thereto;

General
powers of
council.

11. To create offices other than those established by this charter or by the general law whenever the public convenience or necessity may require the same; to prescribe the duties pertaining to the offices thus created; and to provide for the election or appointment and to fix the compensation of the officers to fill the same;

12. To prescribe by ordinance the duties of all officers whose duties are not defined by this charter; and it may by ordinance prescribe for any officers duties in addition to those herein prescribed, when the same are not inconsistent with the provisions of this charter, and may fix the hours during which the public offices of any officer shall remain open, if not otherwise herein provided for;

13. To fix the salary and prescribe the compensation of all officials and employes of the city whose salary or compensation is not fixed or prescribed by this charter;

14. To fix the fees and charges for official services not otherwise provided for;

(b) *Finance and revenue powers.*

Finance
and
revenue
powers.

15. To levy and collect taxes on all property, real or personal, within the city;

16. To impose on and collect from every male citizen, 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;

17. 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, 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;

18. 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;

19. To divide the city into fire districts and provide that each district be assessed to pay the expense of acquiring and maintaining appliances, apparatus, engines and a fire department, with all other necessary means and agencies for protection against fire;

20. To manage and control the city's finances and to examine accounts, claims and demands against the city as provided for in this charter, and to allow and cause same to be paid or rejected, in whole or in part, as found just and legal or otherwise;

21. To allow not to exceed five hundred dollars in any one year for the observance and celebration of Memorial Day, Fourth of July and such other occasions as may promote the public interest and welfare;

(c) *Powers relating to public health, welfare and safety.*

Public
health and
safety.

22. To determine what are nuisances and prevent and remove the same;

23. To establish and maintain fire limits and to regulate building and construction within the municipality; Public health and safety.

24. To regulate or prohibit the excavation or construction and use of cesspools, privy vaults, privy pits, etc., within said city or any part thereof;

25. To regulate or prohibit the manufacture, keeping, storage, transportation and use of powder, dynamite, gun-cotton, nitro-glycerine, fireworks and other explosive substances and materials;

26. To regulate the use of steam, gas and other engines and steam boilers, elevators and other machinery within said city;

27. To regulate the storage and deposit of hay, straw, and other inflammable material;

28. To regulate, license or prohibit the construction and use of billboards and signs adjacent to or near the streets, alleys and public places of the city;

29. To regulate the entrance to and exit from all theaters, lecture rooms, public halls, schools, churches and public buildings of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles or open places therein;

30. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street and other railway companies using or crossing the public streets of the city; to require railroad companies to station flagmen and place gates or viaducts at all such street crossings as it may deem proper; to require street cars to be provided with adequate fenders and other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street-crossings or street intersections of the city; to regulate the speed with which persons may ride, drive or propel bicycles, tricycles, automobiles or other vehicles along or upon any of the streets or highways of the city;

(d) Police and criminal powers.

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

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

33. To regulate or prohibit the sale of intoxicating liquors within the limits of the City of Riverside;

34. To establish and maintain a public pound; to regulate or prohibit the running at large of animals within the city and to provide for the impounding, sale or destruction of such animals as may be found at large in violation of its ordinances and regulations;

35. To prohibit by ordinance, within the City of Riverside, the killing, wounding, trapping, or injury of any and all song birds and all harmless wild birds, other than birds commonly

known as game birds or the destroying or injuring of the nests of such birds or the removing or injuring of their eggs;

36. To enact such necessary measures to prevent truancy from the public schools and compel attendance therein, as may be recommended by the board of education and to authorize said board or proper officer to enforce the same;

(e) *Streets, sewers and drains.*

Streets,
sewers and
drains.

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

38. To set apart as a boulevard or boulevards, any street or streets or part of a street, and to lay out, construct and improve boulevards as a part of the park system of said city;

39. To construct, establish and maintain drains and sewers;

40. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewerage unfit for irrigation;

41. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien against such property;

42. To form, out of any territory within said city, storm-water districts, and provide that the real estate in each district so formed be assessed to pay the expense of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom, *provided* no such district shall be formed if a protest, signed by the owners of two-thirds in assessed value of all the real property in such proposed district as it appears on the assessment roll as assessed for city purposes, be filed before the final passage of the resolution or ordinance providing for the formation thereof;

43. To form drainage districts for the purpose of draining swamp or wet lands and caring for water from irrigation, and provide that such district so formed be assessed to pay the expenses of constructing the necessary drains, conduits and drainage works and rights of way therefor;

44. To acquire, construct, operate and maintain, to grant the right to construct, operate and maintain, and to regulate and prohibit the construction and maintenance of all pipes, tubes, conduits, poles, wires and other electric, telegraph and mechanical apparatus in, along, over, under and across all public streets, alleys and public places of the city, and to grant franchises as in this charter provided; Streets,
sewers and
drains.

45. To cause the removal and placing underground of all telephone, telegraph, electric or other wires or cables within the city or within any designated portion thereof;

46. To provide for planting and maintaining shade trees and shrubbery along the public streets and caring for the same at the expense of the abutters;

47. To require the owners of real estate in the city to remove grass, weeds and obstructions from the sidewalk in front of their property, and upon their default, to cause such work to be done and the cost thereof to be made a lien upon such property;

48. To provide for the removal of weeds, rubbish or any material from lots which may endanger or injure neighboring property or the health or welfare of the residents of the vicinity and assess the expenses thereof upon such lot and make it a lien thereon;

49. To make provision for cleaning, sprinkling and oiling streets, alleys, sidewalks, crossings and highways, and to provide for the payment of the expense thereof as to any or all of such streets, alleys, sidewalks, crossings and highways, in whole or in part, by a charge and lien upon the lands fronting upon the places so cleaned, sprinkled and oiled.

(f) *Powers over trade and commerce.*

50. To provide for the inspection and sealing of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed; and to regulate the sale and quality of all oils and gasoline and provide for the testing thereof; Trade and
commerce.

51. To regulate telephone service and the use of telephones, and to fix and determine the charges for telephones, telephone service and connections within the city;

52. To regulate the use, distribution, quality, pressure and sale of water, gas, electric light and power, and other light and power, within the city, and to fix and determine the price thereof, as well as the rental price of all meters used in the measurements of said commodities and to provide for the inspection and correction of such meters;

53. To provide for and regulate the inspection of all food, food products, water, ice, and refreshments offered for sale in the city, and to provide for the taking and summarily destroying of any such articles or products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city of such unsound, spoiled, adulterated or unwholesome articles or products;

54. To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale or sell any of their product in the city; also to provide for the inspection of slaughter-houses, vegetable and fruit gardens, whose products are sold in the city;

55. To establish stands for, and regulate the charges of hacks, public carriages, express wagons, drays, automobiles or other public vehicles for hire and require schedules for such charges to be posted in or upon such public vehicles.

(g) *Incidental and general powers.*

Other
powers.

56. To do and perform all other acts and things not herein enumerated but required by this charter or by law or necessary or incidental to the exercise of any power conferred upon said council.

SEC. 16. The powers given in this article to the council shall be considered to be general powers of the city, whether they are exercised by the council or hereinafter conferred on other boards, and they shall not be construed to limit similar powers given hereinafter in this charter to other boards, unless the powers of said boards are specifically made subject to those of the council.

ARTICLE IV.

RELATING TO OFFICERS OF THE CITY IN GENERAL.

CHAPTER 1.

OFFICERS OF THE CITY.

Officers of
the city.

SECTION 17. The officers of the city shall be:

Mayor,

One councilman from each ward,

City clerk who shall be ex-officio city assessor,

City auditor,

City treasurer who shall be ex-officio tax collector.

City attorney,

Judge of the police court,

City engineer,

Superintendent of streets,

Five park commissioners,

Five members of the board of education,

Five directors of the Riverside Public Library,

Five members of the board of health,

Five members of the board of public utilities,

Chief of police,

Chief of the fire department,

Health officer,

And such other officers as the council shall, under this charter, have power to create.

CHAPTER 2.

SALARIES OF OFFICERS.

SECTION 18. The officers of the city in this section named shall receive in full compensation for all services of every kind rendered by them, the following salaries payable in equal monthly installments at the end of each calendar month, viz: Salaries of officers.

The mayor, twelve hundred dollars per annum;

Each member of the council, three dollars for each regular meeting of the council which such member shall attend; *provided*, that the number of such regular meetings for which compensation shall be paid shall not exceed four during any one month and that the member shall be present at the roll call which must be read upon the hour set for the said meeting, and the city clerk must certify that these provisions have been complied with and to the number of regular meetings so attended before demands for salaries of councilmen can be allowed or paid.

City clerk and ex-officio city assessor, twelve hundred dollars per annum;

City auditor, eighteen hundred dollars per annum;

City treasurer and ex-officio tax collector, six hundred dollars per annum; *provided*, that during such period and as long as the city treasurer shall collect the regular city taxes, as hereinafter provided, his salary shall be nine hundred dollars per annum.

SEC. 19. Except where such power is herein given to other boards of the city, the council shall by ordinance fix the salary of all other officers herein created or hereafter created by ordinance, whose salaries are not herein fixed or otherwise provided for. Council may fix certain salaries.

SEC. 20. The salary of any elective officer as fixed by this charter may be changed by ordinance of the council, but such ordinance must be adopted at least sixty days previous to an election at which such officer is to be elected and shall not take effect until the regular time for taking office after such election. How salaries may be changed.

SEC. 21. The members of the board of education, directors of the Riverside Public Library, members of the park commission, members of the board of health (serving as such members) and the members of the board of public utilities (serving as such members) shall serve without compensation. Certain officers to serve without pay.

CHAPTER 3.

OFFICIAL BONDS.

SECTION 22. Officers and employees of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law this charter or by ordinance of the city. Bonds

SEC. 23. All such official bonds must be given by some lawfully authorized and approved surety company and the city shall pay the premium therefor; *provided*, that the premium paid shall not exceed one-half of one per cent. per annum: *and* Must be surety bonds.

provided further, that if the council deems the premium charged to be excessive, then in that event the council may accept bonds with approved personal sureties.

Approval
of bonds.

SEC. 24. Every bond given by any officer or employee must be approved as to form by the city attorney and must be approved by the council, subject to the veto of the mayor. The approval of every bond must be endorsed thereon and signed by the city attorney and certified by the city clerk. Upon the approval of a bond, it must be recorded in the office of the city clerk in a book kept for that purpose, as elsewhere provided. After recording, all official bonds shall be filed and kept in the office of the city auditor, except the auditor's bond which shall be filed and kept in the office of the city clerk.

Amount
of bonds.

SEC. 25. The following named officers shall execute official bonds to the city in the following sums, to wit:

City treasurer and ex-officio city tax collector, in the sum of thirty thousand dollars;

City clerk and ex-officio assessor, in the sum of five thousand dollars;

City auditor, in the sum of ten thousand dollars;

City engineer, in the sum of two thousand dollars;

Superintendent of streets, in the sum of five thousand dollars;

Members of the council, in the sum of three thousand dollars each;

Mayor, in the sum of five thousand dollars;

Chief of police, in the sum of five thousand dollars.

Amount
of may be
changed.

SEC. 26. The council may at any time by ordinance, increase or decrease the penal sum of any bond or require bonds of other officers and employees and fix the amounts thereof.

Officers
not
accepted
as surety.

SEC. 27. No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond or on any bond given to the city for any other purpose.

The form and conditions of all official bonds, other than surety company bonds, the affidavits and justification thereon, shall be as is required by the general laws of the state in force at the time such bonds are given.

Liability
on bonds.

SEC. 28. Every officer shall be liable on his official bond for the acts and omissions of his deputies, assistants, clerks and employees appointed by him and of each of them, and every official bond shall contain such a condition. All officers may require of their deputies, clerks or employees, bonds of indemnity with sufficient sureties for the faithful performance of their duties and all boards and departments may require bonds of their officers, clerks and employees, the amount of such bonds to be fixed and the bond approved by the council.

If bond in-
sufficient,
proceed-
ings.

SEC. 29. In the event that any official bond of any officer of the city or of any officer or employee under any board or commission shall be reported in writing to the mayor to be insufficient, the mayor and council shall determine the status of such bond and in all such cases be the final authority in relation thereto, and in case additional security shall be demanded, said officer or employee shall perform no official act

without the approval of the mayor, until such new bond shall be given and approved, and in case of his failure to file such additional bond within fifteen days, he may be removed by the council if the officer is elected and by the mayor if the officer or employee is appointed; and it shall be the duty of the mayor at once to take into his charge all books and papers, money and other public property at the time in the hands or under the control of such officer or employee so notified and retain the same until such additional security is given or the election or appointment and qualification of a successor to such officer or employee. For the better enforcement of this section, the mayor is authorized to commence and prosecute at the cost of the city, in his own name, all appropriate actions and proceedings.

CHAPTER 4.

OATH, APPOINTMENT AND TERM OF OFFICERS, DEPUTIES AND EMPLOYEES.

SECTION 30. Every officer or deputy provided for in this charter or created in pursuance thereof shall, before entering upon the discharge of the duties of his office, take and file with the city clerk the constitutional oath of office.

Oath of office.

SEC. 31. Every elective or appointive officer of the city shall hold office during the term prescribed by this charter, or as prescribed by ordinance, if such office is hereafter created, and until his successor is elected or appointed and has qualified.

Term of office.

SEC. 32. All appointments of officers, deputies, superintendents and heads of departments to be made under any provision of this charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of the duplicates must be filed with the city clerk and the other with the auditor.

Appointments, how made.

SEC. 33. In all voting upon the appointment, confirmation, suspending or removal of officers, deputies and heads of departments, the members of the council or any board having jurisdiction, shall vote by call of roll and the vote of each member shall be spread upon the minutes.

Same.

SEC. 34. Whenever it is provided in this charter that the members of any board, department or commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered on the record of their proceedings and a copy of such record, certified by the secretary of said board and signed by all the said members, shall be filed with the city clerk.

Classification of terms by lot.

SEC. 35. Any officer appointed by the mayor shall hold office at the pleasure of the mayor and may be by him removed at any time but in case of any such removal the mayor shall file his reasons therefor with the council. The approval of the council shall not be necessary.

Term of office of appointees.

The qualification for office of any mayor at any time shall end the term of any appointive officer then in office other than

members of boards or commissions; *provided*, that all officers shall hold office until their successors have been elected or appointed and have qualified.

Vacancies.

SEC. 36. Any vacancy in the office of member of the council shall be filled by a special election in the ward from which such member was elected. Such election shall be called by the council and shall be held not more than thirty days after such vacancy occurs and the person elected shall hold office for the unexpired term. Vacancies in all other elective offices shall be filled by the council, the affirmative vote of a majority of the whole council being necessary therefor, and except in case of a vacancy in the office of mayor, the approval of the mayor shall also be necessary. In all such cases except vacancies in the office of councilman, the officer so appointed shall hold office until the next succeeding general municipal election, at which time the office shall be filled for the balance of the term by election. Vacancies in all appointive offices shall be filled by appointment of the mayor and the person so appointed shall hold office for the unexpired term. All persons elected or appointed to fill vacancies must possess the qualifications required of the office so filled.

Officers may appoint and remove deputies.

SEC. 37. The city auditor, city clerk, city attorney and the city treasurer may appoint, remove or suspend such deputies, assistants and clerks, and the city engineer and superintendent of streets may appoint, remove or suspend such deputies, assistants, clerks, laborers and other employees, as the duties of their offices and the work of their departments may require; *provided*, the number of such appointees and their compensation shall be fixed by the council.

Offices created by council.

SEC. 38. All departments and offices which may hereafter be created by the council shall be subject to the same provisions as to appointment and removal of heads of departments and other officers by the mayor as are respectively the executive officers and appointive boards herein provided for.

CHAPTER 5.

SUNDRY DUTIES OF VARIOUS OFFICERS.

General duties.

SECTION 39. All city officers except the mayor, the members of the council and of the various boards of the city shall devote their entire time during business hours to the interests of the city, except when otherwise provided by this charter or by ordinance.

Archives to be deemed city property.

SEC. 40. All books, papers, archives, plats, maps, charts, records, files, stationery, documents and memoranda, made or made use of by the officers, boards, commissions or employees of the city in the performance of their official duties or in any way pertaining to their respective offices, shall be deemed and considered as belonging to the city and shall be delivered, together with all city property, moneys, bonds or other things in their possession or under their charge and control, upon going out of office, to their respective successors in office, who

shall give duplicate receipts in writing therefor, one of which shall be filed with the city auditor by such successor.

SEC. 41. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies of extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents a folio of one hundred words for such copies or extracts, but the records of the police department shall not be subject to such inspection, except permission be given by the mayor or by the chief of police.

Records open to inspection.

SEC. 42. No officer or employee shall be compensated by fees or commissions unless specifically so provided herein or by ordinance, and all fees or commissions shall be immediately paid over to the treasurer.

Fees must be paid to city

SEC. 43. Every executive and judicial officer of the city, except the mayor and city attorney, and every other officer and agent of the city charged with the collection or disbursement of any money of the city, shall furnish at the end of each month to the council a full and detailed statement upon oath of all moneys received or disbursed by him and of his official transactions during such month. Like statements shall be made at and for such other times as the council may require.

Monthly statements of officers

SEC. 44. All officers of the city shall keep their respective offices open for the transaction of business from the hours of eight in the forenoon until five in the afternoon of each day, Sundays and legal holidays excepted, unless otherwise provided by ordinance.

Office hours.

SEC. 45. It shall be the duty of every officer or employee of the city, when it shall come to his knowledge that any contract or agreement with the city or any officer or department thereof or relating to the business of any office, has been or is about to be violated by the other contracting parties, forthwith to report to the mayor all facts and information within his knowledge or possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employee, as in case of malfeasance in office. The mayor shall give a certificate on demand to any person reporting such facts and information that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty.

Contracts, violation of to be reported.

SEC. 46. All officers of the city shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or before any board or committee thereof or concerning any demand on the city treasury, and the city clerk shall have the power to administer all oaths and affirmations required by this charter; for which no charge shall be made by any officer.

Oaths, administration of.

SEC. 47. The mayor, council and each board and commission provided for in this charter, or committee thereof, shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence, papers, records and books before such mayor, council, board, commission or committee, as the case may be, by sub-

Witnesses, power to examine.

pœna, to be issued in the name of the City of Riverside, and to be attested by the city clerk. The city clerk shall upon the demand of the mayor or the president of the council or the presiding officer of any such board, commission or committee, issue such subpoena in the name of the 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 summoned before the mayor, council or the respective board, commission or committee, requiring the attendance of such witness or witnesses and the production of the records, books or papers in said subpoenas specified. The chief of police shall cause said subpoenas to be served by some member of the police department upon the person or persons required to attend before the council, board, commission or committee in such subpoenas designated. The council shall from time to time adopt ordinances providing suitable penalties for disobedience of such subpoenas and the refusal of witnesses to testify before such council, board, commission or committee when required so to do.

Organiza-
tion of
boards.

SEC. 48. After the adoption of this charter, each appointive board of the city shall meet and organize immediately upon the qualification of all members of said board or a majority thereof. Thereafter they shall organize annually on the second Monday in January at 10 o'clock A. M., or as soon thereafter as the new members shall have been appointed and have qualified.

Special
meetings
of council.

SEC. 49. Whenever special meetings of the council or of any other board or commission of the city, except the board of health, are called, written notice thereof shall be served on each member personally or by mail addressed to his place of residence; if by mail, the notice, postpaid, shall be deposited in the postoffice of the city at least twenty-four hours before the time of meeting; if served personally it shall be so served at least three hours before the time of meeting.

Such special meeting may be called by the mayor or by two members of the council, board or commission, as the case may be. No business shall be transacted at any special meeting except that mentioned in the call, unless otherwise provided herein.

Investiga-
tion of
official
acts.

SEC. 50. The council or a committee of the council duly authorized by it, may investigate any department of the city government and the official acts and conduct of any city officer or employee.

CHAPTER 6.

SPECIFIC PROHIBITIONS AND PENALTIES FOR OFFICERS AND EMPLOYEES.

Absence of
officer
from city.

SECTION 51. If any member of the council or of any board or commission of the city shall absent himself from the city for more than thirty days consecutively or if any other officer of the city shall absent himself from his office for more than ten days consecutively, without the consent of the council in either case, or if there exists any reason sufficient in law for the removal of any officer, his office shall thereupon be declared

vacant by the council if the office is an elective one and by the mayor if the office is an appointive one. The council must not grant leave of absence to any officer, except for the purpose of attending to official business, for a longer period than sixty days; *provided*, that such permit may be renewed if good and sufficient reason exists therefor.

SEC. 52. Whoever, being a city officer or being in nomination for or while seeking nomination or appointment for any city office, shall use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor. And every person found guilty of such misdemeanor as aforesaid shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

Promise of influence.

SEC. 53. No officer or employee of the city shall become a party worker or solicitor or active partisan in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

Party worker.

SEC. 54. Any officer of the city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office.

Donations from subordinates.

SEC. 55. No person in the service of the city is under any obligation to contribute to any political fund or to render any political service and no person shall be removed, reduced in grade or salary or otherwise prejudiced for refusing so to do. Any officer or employee of the city convicted of violating any of the provisions of this section shall be removed from office.

Political services.

SEC. 56. No member of the council shall hold any other city office or hold any office or employment, the compensation for which is paid out of the city moneys, or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected, or be interested directly or indirectly in any contract with the city, or be in the employ of any person having any contract with the city or of any grantee of a franchise granted by the city.

Members of council, restrictions on.

Non-payment of debts.

SEC. 57. Any officer or employee of the city may be suspended or removed for notorious non-payment of his debts or gross disregard of his financial obligations.

Officers must not be interested in contracts.

SEC. 58. No member of the council or of any board provided for by this charter and no officer or employee of the city shall be or become directly or indirectly interested in any contract, work or business, the consideration, price or profits of which are payable in whole or in part from the city treasury or school funds and are determined or in any way directly affected by any official act of said council, board, officer or employee, respectively; or in the sale of any article, the price of which or the purchase of which by or for the city or by or for the public schools thereof, depends directly or indirectly upon any official act of such council, board, officer or employee respectively. No member of the council or of any board provided for by this charter and no officer or employee of this city having any authority or power relating to or affecting the granting of any franchise, right or privilege, shall be or become directly or indirectly interested in any such franchise, right or privilege. Any member of the council or of any board herein mentioned and any officer or employee of the city violating the provisions of this section shall forfeit his membership or office or employment; and all contracts made or rights, franchises or privileges granted in violation of this section shall be absolutely void.

Removal from office, suits for.

SEC. 59. The council shall institute all suits necessary to remove persons from office for cause and for the enforcement of all proper penalties, but this shall not be construed to prevent any citizen bringing any proper suit to remove from office any officer for any sufficient cause specified in law or this charter, or construed to limit the power of the mayor in making removals and suspensions and preferring charges, given elsewhere in this charter, and it shall be the duty of the mayor to remove from office any appointive officer violating any of the provisions of this chapter or this charter.

ARTICLE V.

EXECUTIVE DEPARTMENT.

CHAPTER 1.

THE MAYOR.

Mayor.

SECTION 60. The chief executive officer of the City of Riverside shall be designated the mayor. He must be at least thirty years of age and shall have been a resident and qualified elector of the city for the three years next preceding the day of his election.

Term of office.

SEC. 61. He shall be elected by the qualified electors of the city at each general city election and shall hold office for two years and until his successor is elected and has qualified.

Vacancy in office of.

SEC. 62. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired term by the council, assembled

for that purpose, and any person possessing the necessary qualifications may be chosen mayor at such election by a majority vote of the whole council. A member of the council during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

SEC. 63. During the temporary absence or disability of the mayor or in case of his neglect or refusal to act, the president of the council shall act as mayor pro tempore and during such period shall possess the powers of the mayor and perform his duties; *provided*, that he shall not remove from office any person subject to removal by the mayor, unless such absence, disability, neglect or refusal to act continues for a period of at least sixty days, except he may suspend as provided herein, at any time, any officer. If such period continues thirty days or less, the mayor shall be entitled to his salary and the mayor pro tempore shall not receive any compensation other than that as councilman. Thereafter, during any further period of disability, neglect or refusal to act or absence, unless said absence is due to the business of the city, the mayor's salary shall cease and shall be paid to the mayor pro tempore who shall not receive any salary as councilman during such period.

Mayor pro tempore.

SEC. 64. Within fifteen days after reassuming his powers and duties after any disability or absence, the mayor shall have the power by filing a written notice with the city clerk, to recall any ordinance, resolution, contract or grant of a franchise which has been passed by the council and approved or disapproved by the mayor pro tempore during such period, and by such action the approval or disapproval of the mayor pro tempore is rendered null and void and of no effect, and the mayor shall then have a further period of ten days in which to exercise the powers and duties in relation to approving or disapproving such ordinance, resolution, contract or grant of a franchise as are provided in this charter; *provided*, that the foregoing provisions shall not apply to any ordinance, resolution, contract or grant of a franchise which at the date said notice was filed with the city clerk by the mayor, has already gone into full force and effect under the provisions, exceptions and time limit as contained in Section 259, of Article XXI of this charter.

Mayor, powers after return from absence.

SEC. 65. The mayor shall preside over the council when in session and shall have authority to preserve order, to enforce the rules of the council and to determine the order of business, subject to such rules and subject to the right of appeal to the council. He shall not be entitled to a vote except in case of a tie, when he shall have the casting vote.

Preside over council.

SEC. 66. He shall see that the laws of the State of California, the provisions of this charter and the ordinances of the City of Riverside are strictly enforced and duly observed within said city.

General duties of.

SEC. 67. He shall have a general supervision over all the departments and public institutions of the city and shall see that they are honestly, economically and lawfully conducted. The mayor shall from time to time recommend to the proper

Same.

officers of the different departments such measures as he may deem beneficial to the public interest. He shall have the general supervision of all city officers, elected or appointed. He shall vigilantly observe the conduct of all public officers and employees.

It shall be his duty to receive and examine into all complaints made against such officers and employees for violation or neglect of duty. Any defalcation, dereliction, refusal to act, willful neglect of duty, unlawful absence from the city, official misconduct or incompetency which he may discover or which may be reported to him shall be laid by him before the council or other proper board. If such person is subject to removal by the mayor it shall be his duty at once to remove him according to the provisions of this charter.

Count the cash.

SEC. 68. He shall, at least once in each month, and may at any other time, together with the city attorney and the city clerk, count the cash in the city treasury and see that it corresponds with the books of the treasurer and the auditor and report the result of such count to the council at its next meeting.

Books to be audited once a year.

SEC. 69. He shall have the books and records of all public departments pertaining to the finances of the city and may of all institutions, objects or causes which are in part or wholly maintained or assisted by money appropriated by the city, audited by a competent person expert in such matters, at least once in every year. Such person shall make a full written report to the mayor and council of the results of such examination and of recommendations based thereon. The mayor may at any time, with or without notice, investigate in person or through one or more competent persons appointed by him for the purpose, the offices and accounts of any department, board or officer of the city or of any employee and the official acts and conduct of any official or employee in the service of the city, and the money, securities and property belonging to the city in the possession or charge of such department, board, officer or employee. Any person refusing to permit such examinations or purposely delaying or impeding the same, may be removed from office by the mayor if removable by him under this charter, or if not removable by the mayor may be suspended from office by the mayor and removed for malfeasance in office. The expense of any such investigation shall be paid out of the general fund in the same manner as other claims against the city are paid. The result of all such investigations and examinations shall be reported to the council and such report filed with the city clerk.

Special meetings of board.

SEC. 70. For the purpose of examining into the conduct of any board, commission, committee or other body intrusted with interests pertaining to the city, or for any other purpose, the mayor shall have the power to call a special meeting of such board, committee, commission or other body. At such meeting unless otherwise provided herein, only such business may be transacted as is mentioned in the call therefor.

SEC. 71. The mayor shall have the right to be present at regular, special or executive sessions of any board, commission, committee or other body intrusted with interests of the City of Riverside, and shall have the right to sit in such body and take part therein, but shall not have the right to vote, except as specifically provided herein.

Right to sit at meetings.

SEC. 72. Whenever he considers it advisable, the mayor may call upon the heads of departments or other officers for such reports relating to the public business under their control and management as he may require of them, and it shall be their duty to prepare and submit the same at once to the mayor.

Reports of officers.

SEC. 73. The mayor may at any time, and at his own pleasure, remove from office or position any officer not elective, provided the cause therefor shall be stated in writing, which writing shall be filed with the city clerk and a copy thereof given to such officer, but the same need not be made public unless by direction of the mayor or on request of the officer so removed.

Removal of appointive officers.

SEC. 74. The mayor shall have the power to suspend, pending an official investigation, any officer of the city, except councilmen, or any employee thereof after refusal of the head of his department to so suspend him, for any official defalcation, dereliction, refusal to act, willful neglect of duty, official misconduct, incompetency, unlawful absence from the city, or if the official bond of such official or employee shall be deemed by the mayor to be insufficient for any cause, or if any of the sureties on said bonds have withdrawn therefrom, and other and sufficient sureties have not immediately qualified thereon.

Suspension of officers.

SEC. 75. Any elective officer, except councilmen and mayor, may be removed by the council upon charges preferred by the mayor; *provided*, that such charges are, by law, by this charter or the ordinances of the city, made sufficient cause for removal from office. Such charges may originate, however, in the council or from any citizen and shall be presented in writing to the council and a copy furnished to such officer, who shall have the right to appear before the council in person and by counsel and be heard in his defense. If such charges be sustained by an affirmative vote of not less than five members of the council and approved by the mayor, the officer shall be deemed removed and his place filled as in case of other vacancies, or the council may, with the mayor's approval, continue such suspension for such time as it deems proper. Otherwise the charges shall be dismissed and such officer, if he has been suspended, shall thereupon be restored to office.

Charges against officers.

SEC. 76. The mayor shall appoint all officers of the city and fill all vacancies in office where provision for such appointment is not otherwise specifically made in this charter or by law.

Power of appointment.

SEC. 77. The mayor shall take all proper measures for the preservation of public order and the suppression of all riots, tumults and unlawful assemblies, for which purpose he may use and command the police force, and in such case shall have power to add to the police force and call upon the citizens as

Public order.

may in his judgment be required. If the police force of the city is insufficient he shall call upon the governor for military aid, in the manner provided by law, so that such riots, tumults or unlawful assemblies may be promptly and effectively suppressed.

Actions to
revoke
franchises.

SEC. 78. The mayor may on his own motion, and must upon a resolution passed by the council directing him so to do, cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city to any person, company or corporation, which have been forfeited in whole or in part, or which for any reason may be irregular and void and not binding upon the city, and the city attorney, upon demand of the mayor, must institute and prosecute the suits or actions required to enforce the provisions of this section. Each mayor taking office under this charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the city, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in his next annual message or report, or at such other times as he may deem proper.

Contracts
and agree-
ments.

SEC. 79. He 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.

Sign con-
veyances.

SEC. 80. The mayor shall sign all conveyances made by the city, unless otherwise provided in this charter, and all contracts to which it is a party, unless otherwise provided herein; shall acknowledge the execution of all instruments executed by said city that require acknowledgment, and shall sign demands as elsewhere provided herein.

Veto
power.

SEC. 81. The mayor shall have the veto power as provided in this charter. In case an ordinance or resolution of the council shall appropriate money, the mayor may approve one or more items in such ordinance or resolution and disapprove the others. In such case, those which he shall approve shall become effective, and those which he shall disapprove shall become effective only if again passed as provided in this charter.

Communi-
cate to
council.

SEC. 82. The mayor shall, at the end of each year of his official term, and at such other times as he may deem proper, communicate in writing to the council a general statement of the affairs of the city, together with such recommendations regarding the public health, the cleanliness and ornamentation of the city, the improvement of its government, its finances and such other matters as he may deem proper or beneficial.

Bills for
clerical
work.

SEC. 83. The mayor may contract such bills for typewriting and necessary clerical work as are required in the performance of his duties.

SEC. 84. The mayor shall perform such other duties and exercise such other authority and powers as may be prescribed by this charter. Other duties.

SEC. 85. Any person who shall solicit personally, or through another, either for himself or for another, the appointment to, or retention in, any city office or position from a candidate or prospective candidate for election as mayor, previous to his election, shall thereby be guilty of a misdemeanor, and shall be punished therefor as provided by law. Soliciting favors from candidates.

CHAPTER 2.

CITY CLERK AND ASSESSOR.

SECTION 86. The city clerk shall be at least twenty-five years of age and shall have been a qualified elector of the city for the three years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified. City clerk, term of office.

SEC. 87. The city clerk shall have the custody of, and be responsible for, the corporate seal, all books, papers, documents, records and archives belonging to the city, not in actual use by other officers or committed to their custody by special provisions of this charter or ordinance. All papers and documents shall be filed under appropriate heads. He shall be the custodian of, and be responsible for, the city hall unless otherwise provided for by ordinance, and of all personal property, the custody of which has not been otherwise provided for. Custody of papers, etc.

SEC. 88. He shall be present at all meetings of the council and shall keep a journal of its proceedings, with marginal notes and references thereon. He shall authenticate by his signature, certificate and the corporate seal of the city, all ordinances and other official acts of said council. He shall record in separate books to be kept for that purpose, all ordinances of the city, with his certificate annexed to each ordinance stating that the foregoing ordinance is a true and correct copy of an ordinance of the city, and giving the number, title, date of passage, the vote thereon and stating that the same had been adopted, approved by the mayor and published, posted or printed and mailed according to the provisions of this charter. Such record copy with said certificate shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceeding. Such records shall not be filed in any case but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. He shall, in separate books, also record all contracts to which the city or any officer thereof in his official capacity is a party, similarly attested, and all official bonds or other bonds given to or for the benefit of said city or in which it is interested. He shall keep all books and records properly indexed and cross-indexed so as to afford General duties.

instant access to any record, action or paper, whether looking in the index for the name of the officer, person, thing or place concerned, or the nature of the action desired, attempted or taken.

Licenses.

SEC. 89. He shall make out, sign and deliver to the city auditor all licenses other than building permits.

Reports.

SEC. 90. The city clerk shall make monthly and annual reports to the council showing the number of licenses issued and the amounts, the condition of the property under his care and the expenses and receipts of his office.

Other duties.

SEC. 91. The city clerk shall perform such other duties and exercise such other powers as may be required of or conferred upon him by the ordinances of the city, the provisions of this charter or by the mayor and council.

Shall be ex-officio assessor.

SEC. 92. The city clerk shall be ex-officio assessor. As assessor he shall be present at all meetings of the city board of equalization, act as clerk of said board and keep a journal of its proceedings. He shall perform all the duties and shall possess such powers as may be prescribed by this charter, by the ordinances of the city or by law in relation to the assessing of property in the city for the purpose of taxation and shall collect such taxes upon personal property as are required to be collected by him, by law, by this charter or by ordinance.

Assessment and collection of taxes.

SEC. 93. During such period as the city shall continue to avail itself of the provisions of the act of the legislature approved March twenty-seventh, eighteen hundred ninety-five, relating to the assessing and collecting of the city taxes by the county officials, said act being particularly referred to in Article XV, Section 234, of this charter, the duties and powers as ex-officio assessor herein conferred on the city clerk shall be deemed inoperative, and they shall not take active force and effect until the mayor and council shall enact an ordinance providing for the assessing and collecting of all city taxes by the city assessor and city tax collector, and abolishing the provisions under which said taxes are assessed and collected by the county officers of Riverside county.

CHAPTER 3.

THE CITY AUDITOR.

City auditor, term of office.

SECTION 94. The city auditor shall be at least twenty-five years of age, a citizen of the state, and shall have been a resident of the city for a period of two years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for four years and until his successor is elected and has qualified.

General powers and duties.

SEC. 95. The city auditor shall possess such powers, perform such duties and keep such records in relation to the investigation, approval, disapproval, endorsement, verification, numbering, registration and delivery of claims and demands as are elsewhere set forth in this charter, and as set forth in the report of the board of city accounting. He shall sign all

demands on the city treasury except as otherwise in this charter provided.

SEC. 96. It shall be his duty to be constantly acquainted with the exact condition of the city treasury. He shall, on the application of any person indebted to the city or any officer or person holding money payable into the city treasury or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall, upon the written order of the city treasurer directing him to issue a receipt for money paid into the city treasury, charge the city treasurer with the money and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys at any time in the city treasury, not otherwise by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation.

Must know condition of city treasury.

SEC. 97. He shall, at the first meeting of the council every month and oftener if required, report to the council the condition of each fund in the treasury. He shall make a similar report to the mayor at any time when requested by the mayor in writing so to do. On or before August first of each year unless said date is changed by ordinance, he shall make an annual report to the council showing in detail the sources from which the revenue of the city was derived and how expended during the year ending June thirtieth of said year, segregating therein the different departments and funds and business interests of the city. Said report shall also give a detailed statement of the debt of the city, of the purposes for which such debt had been incurred, of the accounts of said city with the grantees of franchises, and inventory of all public property of the city together with its condition and approximate value and shall also include a summary of the assets and liabilities of the city and of unpaid demands. The council shall publish this report or a condensed summary thereof, prepared by the auditor, in a daily newspaper of the city or print the same in pamphlet form for free distribution. He shall make the annual estimate and budget preliminary to the levying of taxes by the council referred to in Article XV, Section 229.

Report to council.

SEC. 98. He shall keep a complete set of books, in which he shall set forth in a plain and businesslike manner, as hereinafter provided, every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person, so that he can tell at any time the exact condition of the city finances. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs.

Books required to be kept.

SEC. 99. The city auditor shall act as the general accountant and fiscal agent of the city and shall exercise a general superintendence over all the officers and employees of the city charged in any manner with the receipt, collection or disburse-

Shall act as fiscal agent of city.

ment of the city revenues, and shall examine their accounts and books at least once in each month and if they be found incorrect, he shall at once notify the mayor in writing. He shall keep or cause to be kept under his direct control, all financial and property records, books and accounts of departments, boards and officers of the city government, except those of the city clerk, ex-officio city assessor, city treasurer, ex-officio city tax collector and board of education. Monthly and annual reports shall be made to the council of the financial transactions and condition of each department. His authority over such records, the manner of keeping the same and the control over the deputies and clerks engaged in such work shall be paramount and shall not be subject to the authority of the board, commission or officer at the head of such department, but shall be subject only to the provisions of this charter and to the report of the board of city accounting hereinafter referred to.

Board of
city ac-
counting
created.

SEC. 100. There is hereby constituted and appointed a board of city accounting consisting of five members, and the following citizens are hereby appointed to serve on said board: W. G. Fraser, W. B. Clancy, Stanley J. Castleman, William L. Peters and Frank F. Chase, who shall serve without compensation. For the purpose of this section this charter shall take effect immediately upon its approval by the legislature and the members of the board of city accounting herein appointed shall, within ten days thereafter, qualify by taking the oath of office before the city clerk of Riverside then in office. It shall be the duty of the said board by a majority vote thereof to originate and adopt such a system of accounting, books, records, reports, vouchers, receipts and blanks relating to the financial and property records and transactions of every department and office of the city government and prescribe such duties for the officers, deputies and employees therein concerned, as will clearly and systematically show the transactions of such departments and offices, and will harmonize one department with another, to the end that the accounts, books, records and reports in the auditor's office will show the financial and property records of the city as a whole and in detail, as clearly as would be the case in a private corporation conducted on modern business lines. To this end the board is authorized to employ expert advice, if thought wise by them, to incur other necessary expenses and to order the proper books, blanks and supplies. All expenses shall be certified to, and allowed by, the council elected under this charter and such bills shall be allowed and paid by the auditor and treasurer. The said board shall submit to said council a duly certified report of such system of accounts, books, records, reports, vouchers, receipts and blanks and such duties prescribed for such officers and employees. Said report shall be spread on the book of ordinances by the city clerk and shall thereafter have the full force and effect of a duly enacted ordinance of the city, requiring compliance by all departments, officers and employees of the city. Thereafter such system of accounts, books, reports, vouchers, blanks and receipts shall be changed only by a duly

Duty of
board to
originate
system of
account-
ing.

Expenses.

enacted ordinance of the council approved by the mayor except as otherwise provided in Article XVI, Section 246 of this charter. In minor matters of detail such report, if it so states, may supersede provisions of this charter relating to any matter herein committed to said board. The said board shall lapse with the entering of such report on the book of ordinances by the city clerk.

SEC. 101. The city auditor shall countersign all licenses and permits issued by any city officer or board, wherein money is to be paid for the use of the city and shall charge the proper officers with the proper amount. No such license or permit shall be valid unless countersigned by him.

Licenses and permits.

SEC. 102. He shall keep in his office in a place accessible and open at all times during office hours to the public, a book containing a list of the names of all persons or corporations who are bondsmen for the officers of the city, giving the names of the officers for whom they are bondsmen and the amounts for which they are severally holden. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salaries or wages received by each opposite his name, which list shall be revised and corrected by him monthly.

List of bondsmen.

SEC. 103. He shall perform such other duties and possess such other powers as may be required of or conferred upon him by the provisions of this charter or by said report of the board of city accounting.

Other duties.

CHAPTER 4.

CITY TREASURER AND TAX COLLECTOR.

SECTION 104. The city treasurer shall be ex-officio tax collector. He shall be at least twenty-five years of age and shall have been a qualified elector of the city for the three years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified.

City treasurer, term of office.

SEC. 105. The treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise and 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 funds whatever, except the principal and interest on the bonded indebtedness of the city when the same shall be payable.

How moneys shall be paid out.

SEC. 106. He shall keep an accurate account of all his receipts and disbursements under such rules and regulations as are provided for in this charter, by the report of the board of city accounting or as may be prescribed by ordinance.

Accounts.

SEC. 107. He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor, provided for in Article V, Section 96 hereof. He shall issue receipts in duplicate to all persons paying money into the treasury, one of which receipts shall be forthwith deposited with the city auditor.

Receipts for moneys.

- Reports to auditor and council.** SEC. 108. He shall make such reports to the city auditor as may be prescribed by the board of city accounting. He shall make a monthly statement to the council of all his receipts and disbursements during the preceding month. He shall make such special reports from time to time as may be required of him by the council or the mayor. On or before August first of each year, he shall make and deliver to the council a detailed report and itemized statement of all receipts and disbursements of the city treasury for the year ending June thirtieth, of said year, and of each of its funds during such year and of the amount in each of said funds at the end thereof.
- Deposit of public moneys.** SEC. 109. Except as hereinafter provided, the treasurer shall not lend or use, nor shall he deposit any of the moneys received by him as such treasurer, or any part thereof, to or with any bank, banker, corporation or person, nor shall he pay out any part of such moneys nor allow the same to pass out of his personal custody, except as authorized by law or this charter. If the treasurer shall violate any of the provisions of this section he shall be deemed guilty of malfeasance in office, be suspended by the mayor and removed from office as provided herein.
- Examination of books.** SEC. 110. The mayor, city attorney, city auditor, 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 such officers and committees shall also have the right to inspect and count all public moneys under the treasurer's control or on special deposit elsewhere.
- Entire time may be required.** SEC. 111. It shall be in the power of the council, by ordinance, at any time to require the city treasurer to devote his entire time to the duties of his office during office hours.
- Other duties.** SEC. 112. The city treasurer and tax collector shall perform such other duties and exercise such other powers as may be required of or conferred upon him by the provisions of this charter, the report of the board of city accounting or by the ordinances of the city.
- Duties as tax collector.** SEC. 113. The city treasurer shall be ex-officio tax collector and as such tax collector he shall receive and collect all city taxes, general and special and other branches of the city's revenue not otherwise provided for by this charter or by ordinance. He shall keep proper books, showing all moneys collected by him as tax collector. He shall keep 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 proper times open to public inspection. He shall pay all moneys collected by him as tax collector into the city treasury monthly. He shall make monthly and annual reports to the council of all money collected or received by him.
- Assessment and collection of taxes.** SEC. 114. As long as and during such period as the regular city taxes may be assessed and collected by the county officers of Riverside County as herein provided for in Article

XV, Section 234, the duties of the treasurer as such ex-officio tax collector shall be deemed inoperative. Unless otherwise provided by ordinance or by law the treasurer shall collect all special assessments, liens or other special taxes.

SEC. 115. In case of suspension from office of the treasurer for any cause, the mayor shall appoint a treasurer who shall give the same bond as treasurer and who shall take charge of the office and funds and perform the duties of the treasurer during such suspension.

In case of suspension from office.

SEC. 116. The mayor and council shall have power to pass an ordinance in accordance with the provisions of section sixteen and one half of article eleven of the constitution of the State of California, or of any state law or laws passed in accordance with the provisions of said section sixteen and one half, said ordinance shall provide for the depositing of all moneys belonging to the city in national banks or in banks organized under the laws of this state and shall provide rules and regulations therefor. They shall have power, from time to time, to fix the interest rate which shall be not less than two per cent. per annum, to be paid by such depository banks, or they may provide for bids and cause such deposits to be made in such bank or banks offering to pay the highest rate of interest, subject to the provisions of said section sixteen and one half. They shall have power to alter the duties of the city treasurer when necessary and establish proper rules for his government. They shall have power to relieve the treasurer from all liability for funds after being so deposited, except that he shall still be liable for loss from demands which he may unlawfully allow or pay out of such funds so deposited.

How moneys may be deposited in banks.

SEC. 117. The mayor and council shall have power to take advantage of any existing law or any law that may hereafter be passed, providing for the receipt and disbursing of city funds by the county treasurer of Riverside County, and may thereupon by ordinance abolish the elective office of city treasurer and provide for the duties of tax collector and super-sede provisions of this charter conflicting with such changes. And the mayor and council may, by ordinance, repeal the ordinances referred to in this and the last preceding section, and thereupon revive and renew the provisions of this charter relating to the city treasurer and city tax collector.

Office of treasurer may be abolished.

CHAPTER 5.

THE CITY ATTORNEY.

SECTION 118. The city attorney shall have been a qualified elector of the city for a period of two years next preceding the day of his appointment. He shall have been duly admitted to practice his profession by the supreme court of the State of California; he shall have been actively engaged in the practice of his profession for a period of five years next preceding his appointment. He shall be appointed by the mayor.

City attorney qualifications of.

SEC. 119. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising from the

General duties.

violation of the provisions of this charter and of city ordinances, resolutions and regulations. It shall be his duty to attend to all suits, matters and proceedings to which or in which the city or any officer thereof in his official capacity is a party or may be legally interested. Whenever any cause of action at law or equity or by special proceedings exists in favor of the city, he shall notify in writing the mayor, council, board or officer having jurisdiction over such matter. He shall commence and maintain all suits and actions when directed so to do by resolution of the council or other board authorized herein to commence and maintain actions, or upon written request of any officer so authorized; and the council or such other board or officer so authorized, as the case may be, shall have control of all litigation so commenced and may employ other attorneys to assist the city attorney therein or to take charge thereof.

Attend
meetings
of council.

SEC. 120. He shall attend meetings of the council when so requested by the mayor or by the council or any member thereof, or as may be required by ordinance. He shall be the legal adviser of all city officers, boards and departments and shall give his advice and opinion in writing concerning any matter in which the city is interested when required by the mayor, council or other board or any committee thereof or by any officer or department of the city. When required in like manner, he shall draft any and all proposed ordinances, resolutions, amendments, laws, rules, contracts, bonds, deeds and other legal papers for the city.

Approve
bonds and
contracts.

SEC. 121. He shall approve by endorsement in writing thereon, the form of all official or other bonds required by this charter or by ordinance, resolution or order of the council, before the same are submitted to the council or mayor for final approval, and no such bond shall be approved by the mayor or council without such approval by the city attorney; *provided*, that the mayor shall approve the form of the city attorney's bond, if such there be. He shall approve in writing the drafts of all contracts before the same are entered into by or on behalf of the city. He shall approve by endorsement in writing thereon, the form of all deeds of real property acquired or sold by or on behalf of said city.

Keep
duplicate
pleadings.

SEC. 122. The city attorney shall have charge and custody of all legal papers pertaining to his office, which shall be arranged and indexed by him in such convenient and orderly manner as to be at all times readily accessible. He shall keep a complete docket and duplicate pleadings of all suits, actions or proceedings in which the city or any department or official thereof is interested, pending in any court or tribunal, upon which docket such appropriate entries shall be made as to show at all times the condition of each one of such cases. He shall also keep and record in a book to be provided for that purpose, the original or duplicate copies of all written opinions furnished by him to the city or to any department or official thereof, and shall make and preserve an index thereof.

Annual
report.

SEC. 123. The city attorney shall present an annual report to the council, showing the business of his office for the past

year, and shall present a report of all actions and proceedings in the superior and supreme courts where the city is an interested party, and shall show what cases have been disposed of during the year and in what manner, and the condition of those remaining on the calendar, or still pending.

SEC. 124. He shall do and perform such other things as may be required of him by the provisions of this charter and all such things touching his office as the council or mayor may require of him. Other duties.

CHAPTER 6.

CITY ENGINEER.

SECTION 125. The city engineer shall have had not less than five years' practical experience as a civil engineer, next preceding the day of his appointment. He shall be appointed by the mayor. City engineer.

SEC. 126. He shall perform such duties as the council may prescribe by ordinance. Duties.

CHAPTER 7.

SUPERINTENDENT OF STREETS.

SECTION 127. The superintendent of streets shall be at least twenty-five years of age, a citizen of the state and a resident of the city. He shall be appointed by the mayor. Superintendent of streets.

SEC. 128. He shall perform such duties as the council may prescribe by ordinance. Duties.

ARTICLE VI.

EDUCATIONAL DEPARTMENT.

SECTION 129. The school department of the city shall comprise all the schools within the City of Riverside, including the present Riverside, Palm Avenue, Magnolia and Victoria school districts, the Riverside high school district, and all the territory that is now or may hereafter be annexed thereto for school purposes, and shall be known as Riverside city school district, which shall succeed to all the obligations, property, rights and privileges of the former districts as above named, and shall consist of primary, grammar and high schools as now established and may, at the discretion of the board of education, include kindergarten, manual training and domestic science schools; *provided*, that no school money shall be used for kindergarten, manual training and domestic science schools when such use will prevent the board of education from maintaining primary, grammar and high school for nine months of each year. All territory included within the limits of the Riverside city school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for the board of education and on questions submitted to a vote of the people pertaining to school matters; and School department.
Outside territory, when deemed a part of city.

said outside territory shall be deemed a part of said city for all matters connected with the school department, and with the levying and collecting of all taxes for school purposes.

Board of
education.

SEC. 130. The government of the school department of the city shall be vested in a board of education and shall consist of five members, to be elected from the school district at large, as herein provided, to be called members of the board of education who shall serve without compensation; *provided*, that the present school districts as above named in section 129 shall each continue as such until the election and qualification of the first members of the board of education elected at large. The members of this board shall be elected at the first regular municipal election held under this charter. At their first meeting the members so elected shall so classify themselves by lot that two of the members shall go out of office on the first Monday in January, nineteen hundred ten, and three on the first Monday in January, nineteen hundred twelve, and thereafter said members shall hold office for a period of four years, and until their successors are elected and have qualified. At the second regular election held under this charter two members shall be elected and at the third regular election three members, to fill the places of those members whose terms expire, and thereafter, alternating, two and three shall be elected at the succeeding elections.

Eligibility.

SEC. 131. No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age and who has not been a resident of the school district for the two years next preceding the day of his election.

Election
officers.

SEC. 132. The officers for all elections called by the board of education shall receive not more than three dollars each as compensation for their services.

Organ-
ization of
board.

SEC. 133. The board of education shall enter upon the discharge of their duties on the second Monday after the second Tuesday in May, nineteen hundred seven; and the board shall meet upon said day and on the second Monday of January, nineteen hundred nine, and annually thereafter, and organize by electing one of their members president and his term of office shall be for one year and until his successor is elected. They shall hold regular meetings at least once each month at such time and place as may be determined by their rules. Special meetings may be called by the president or by written request of any two members as herein provided. No business shall be transacted at special meetings that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but a smaller number may adjourn from time to time; but the vote of three members shall be required for passing all orders for the expenditure of money and allowance of demands and for the election of teachers. The sessions of the board shall be public and its minutes open for inspection. The board may determine its rules for its proceedings, and the ayes and noes be taken when demanded by any member and entered upon the record of the board.

SEC. 134. The powers and duties of the board of education are as follows:

1. To establish and maintain public schools, including high schools, as herein provided; and at its discretion to establish kindergartens, manual training and domestic science schools; to change, consolidate and discontinue the same and to establish boundaries for each or any school building or any grade or grades in each or any school building, within which boundaries pupils must attend their respective building or grades.

Powers
and
duties.

Establish
schools.

2. To manage and control the school property; including the power to grade, fence and improve all school lots and the sidewalks and streets bordering the same; to select plans for and supervise and control the construction of school houses; to alter, repair, rent and provide school houses and to furnish the same with proper school furniture, apparatus and appliances and to provide the same with fire escapes, fuel, lights, water and all necessary supplies; to insure the same, including the contents, against fire, and to incur such other incidental expenses as may be deemed necessary.

Manage
property.

3. To employ and dismiss the superintendent of schools and such teachers, janitors, school census marshals and other employees and laborers as may be deemed necessary to carry into effect the powers and duties of the board; to prescribe the duties to be performed by each and all of such employees, and to fix, alter, allow and order paid, their salaries or compensation; and to withhold for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election or appointment of a teacher or other person employed by the board of education shall constitute or be construed as a contract, either as to the duration of time or of wages to be paid; but no teacher shall be dismissed before the end of any school year in order to make place for another, or for any other reason than insubordination, immoral or unprofessional conduct or evident unfitness for fulfilling the requirements of the position.

Employ
teachers

4. 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 the mode of instruction that shall be used in said schools.

Enforce
rules.

5. To take advantage of and follow the line of procedure of any law now in force or which may be hereafter enacted allowing municipalities, or any board or commission of the same, including boards of education, to insure their public buildings and school houses by other methods or means than through insurance companies.

Insure
buildings.

6. The board of education shall have power, under this charter, to set aside a certain amount of money each year as an insurance fund, which amount shall be submitted to a special election of the qualified electors of the Riverside city school district, and may be raised by special tax so voted or by a bond issue so voted, and all such money so raised shall be deposited

Insurance
fund.

in some reputable saving bank or banks, either within or without the city. Said money shall be kept intact, together with the interest thereon, for the payment of loss by fire, earthquake or other extraordinary calamity, until such time as the aggregate of such insurance fund will amount to twenty thousand dollars or more, when the board of education may then withdraw the interest and divert it to the school fund. Such special or bond elections, shall be held under the general school laws of the state for such elections; and it shall be the duty of the county treasurer after receiving such moneys to pay the same to the board of education on demand, and the county treasurer is hereby empowered and directed so to do. The board of education shall then at once deposit such moneys in the name of the Riverside city school district, and as above outlined and designated, and shall, as soon thereafter as possible, certify to the council where such money has been deposited and the purpose of such deposit; and thereafter, in order to withdraw any of the principal of said sum, the council must approve the order of the board of education withdrawing same or any part thereof, either to pay loss by fire or to transfer the funds from one bank to another.

Hold
real estate.

7. To take and hold in fee or otherwise, in trust for the city, any and all real estate and personal property that may have been acquired or may hereafter be acquired by purchase, bequest or donation, for the use and benefit of the public schools of the city or for any educational purpose; to dispose of, at private or public sale, such personal property as shall be no longer required by the department, and to sell, exchange or lease any of such property; and to make, in the name of the district, conveyances of real property sold under the provisions hereof; *provided*, that all acts of the board of education relating to the sale or exchange of school houses or real estate belonging to the district be first ratified and approved by the council in order to make such transfer legal.

Receive
bequests.

8. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose or school property, including gymnasiums, museums and athletic parks or grounds.

Sue and
defend.

9. To sue for any and all property belonging to, or claimed by the board of education for the district, and to prosecute and defend all actions at law or equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the city attorney, free of charge, in all such cases.

Children
under
six years
of age.

10. To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age not less than five years at which they may attend the kindergarten.

Non-
resident
children.

11. To admit non-resident children to any department of the schools at their discretion, on the payment within the school year at such time as the board may direct, of tuition fees not less in amount than the per capita cost per pupil per year, based on the average attendance for the previous year.

12. To furnish books to children whose parents are unable to furnish the same, and all books so furnished shall be stamped with the name of the district, shall belong to the district, and shall be kept in the library when not in use. Books for the poor.
13. To visit each school building in the district at least once in each three months and examine carefully into its condition, management and wants. Visit buildings.
14. To discharge all legal incumbrances now existing or which may hereafter exist, upon any school property within the district. Legal incumbrances.
15. To have uniform instruction given by all teachers throughout the entire school course, in manners and morals, and upon the nature of alcoholic drinks and narcotics and their effect upon the human system; to include in such teaching the principles of morality, truth, justice and patriotism; to teach pupils to avoid idleness, profanity, and falsehoods; to instruct them in the principles of free government, and to train them up to a true comprehension of the rights, duties and dignity of American citizenship. Uniform instruction.
16. To prevent truancy and compel the attendance of school children between the ages of six and fourteen who may be found idle in public places during school hours. Truancy.
17. To prepare in July of each year, a detailed report showing the income and expenditures of the department and such other information as will fully show the work accomplished by the department during the previous year. A copy thereof shall be delivered to the city clerk. Annual report.
18. To enforce such rules and regulations as may be made by the board of health of the city. Health rules.
19. To appoint a superintendent of schools, prescribe his powers and duties from year to year and fix his salary. Appoint superintendent.
20. To determine annually the amount of money necessary to be raised by taxation for the maintenance of the public schools, in addition to the amount of money to be received from the state and county; and the board shall, on or before the first day of August of each year, submit in writing to the board of supervisors of Riverside county; a careful estimate of all money to be received from the state and county and the amount required to be raised by taxation in addition thereto, and said county board of supervisors shall, and they are hereby authorized and directed so to do, in each year when fixing the annual tax rate, levy and assess as a school tax for the support and maintenance of the school department, such amount as the board of education shall report necessary for that purpose; *provided*, that the aggregate of the amount to be thus levied for school purposes shall not exceed thirty cents on each one hundred dollars' valuation of property appearing on the assessment roll of the Riverside city school district; *provided further*, that the limit herein mentioned shall not be construed as including any money to be raised by taxation for the payment of bonds and the interest thereon for the Riverside city school district. The estimate of the board of education submitted to the county board of supervisors, as above specified, shall show the amount Limit of tax.

of money estimated to be received from the state for high school purposes and the amount needed for such purposes in addition thereto; and this amount when assessed and collected as above stated, shall be paid into the county treasury and placed to the credit of the high school fund and shall be used for high school purposes. Likewise the said estimate shall show the amount of money estimated to be received from the state and county for other than high school purposes and the amount needed for such purposes in addition thereto; and this amount when assessed and collected as above stated shall be paid into the county treasury to the credit of the school fund of the district and shall be used only for the purposes of schools other than high schools as herein outlined, and none of such money shall be used for high school purposes. All school moneys shall be paid out by the county treasurer in accordance with the methods of the general school laws, when not inconsistent with the provisions of this charter.

Disburse-
ments.

21. To establish regulations for the just and equitable disbursement of all money belonging to any fund of the Riverside school district.

Other
duties.

22. And generally, to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board and to increase the efficiency of the public schools in said city.

Special tax
election.

SEC. 135. The board of education may, prior to the fifteenth day of August in any year when in their judgment it is advisable, call an election and submit to the electors of the district the question whether a tax shall be levied to furnish additional school facilities for the district or to maintain any school in such district or for building one or more school houses or for any or all of these purposes. Such election shall be called, and money employed in accordance with the general laws of the state governing elections for district school tax.

Clerk.

SEC. 136. The board of education shall, at the same meeting at which it elects its president in each year, appoint a clerk, who may, or may not, be one of their own number, and shall prescribe the duties and fix the salary of such clerk.

Oaths.

SEC. 137. The city superintendent of schools, each member of the board of education and the clerk thereof, shall have power to administer oaths and affirmations in all matters connected with the school department.

Selec-
tion of
teachers.

SEC. 138. The board of education shall be the judge of the qualifications of teachers in all departments in the Riverside city school district, and said board may provide for special examinations for any or all positions in said schools. In the selection of teachers the board shall in all cases advise with the city superintendent, and in so far as possible they shall select teachers who by education and natural ability are best fitted for the positions; but said board shall in no case employ any teacher who does not, when so requested by the board, present a certificate of good health from the city health department, or from some reputable and known physician.

SEC. 139. The board of education shall have power to make suitable rules and regulations for the promotion of pupils from primary and grammar schools and from high schools and from all other departments of the schools when pupils have completed the respective courses of study therein, and to grant diplomas to such pupils in the name of the district.

Promotion
of pupils.

SEC. 140. All buildings costing over one thousand dollars shall be built by contract and all contracts for buildings shall be given to the lowest responsible bidder offering adequate security, to be determined by the board after due public notice published for not less than five days in the official newspaper of the city, if there be such, and if there be no official newspaper, then in any newspaper published in said city; *provided*, that the board of education may reject any and all bids under this section. Any order for supplies in excess of two hundred dollars shall be advertised for and purchased in same manner as outlined in this section.

Contracts
for
buildings.

SEC. 141. In all matters not specifically provided for in this charter the board shall be governed by the provisions of the general law relative to such matters.

General
law, when
to govern.

ARTICLE VII.

THE PUBLIC LIBRARY.

SECTION 142. The public library and reading room, known as the Riverside Public Library, is hereby continued in existence, and shall be free of access to all citizens of said city and the general public except as hereinafter provided, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the board of directors of said library, hereinafter provided. All property, real and personal, belonging to said library shall be turned over to the charge, custody and administration of said board, with like powers and liabilities as if such library had been established under this charter.

Public
library.

SEC. 143. The public library and the reading rooms and branches connected therewith shall be under the control and management of a board of five directors known as The Board of Directors of the Riverside Public Library and by such name shall have perpetual succession and may sue and be sued in all courts and places and in all proceedings whatever in relation to, or concerning any property, real or personal, or any right vested in said board.

Board of
directors
of library.

SEC. 144. Said directors shall be appointed by the mayor immediately after his qualification under this charter, and thereafter as their terms expire, as hereinafter provided. Each director shall be at least twenty-five years of age and shall have been a resident of the city for a period of at least three years next preceding his appointment. Men and women shall both be eligible.

Who
eligible.

SEC. 145. Those directors first appointed shall so classify themselves by lot at their first meeting, that one director shall

Terms
of office.

go out of office on the second Monday in January, nineteen hundred nine, one at the end of one year thereafter, one at the end of two years thereafter and two at the end of three years thereafter. Thereafter said directors shall hold office for a period of four years and until their successors are appointed and have qualified; *provided*, that the mayor may at any time remove members of said board and thereupon shall file with the council a written message giving the names of the directors removed and the actual reasons for such removals. Such removals shall not need the approval of the council.

Compensation.

SEC. 146. The office of director of the public library shall be honorary and the members shall serve without compensation.

Organization.

SEC. 147. Said directors shall organize at their first meeting, and on the second Monday in January, nineteen hundred nine, and annually thereafter, by the election of a president and a secretary from among their number who shall serve without compensation for a term of one year and until their successors are elected; *provided*, that either or both of said officers may at any time be removed from office and their places filled by the action of a majority of the whole board of directors; *and further provided*, that the board may designate the librarian or any employee of the library as secretary, no additional salary being paid therefor.

Meetings.

SEC. 148. The board of directors shall hold regular meetings at least once every month at such times and place as it may determine by resolution. Special meetings may be called by the president or by any two members; *provided*, that written notice is served as herein provided for and that no business shall be transacted at any special meeting except that mentioned in the call, unless five directors shall consent thereto. Three directors shall constitute a quorum for the transaction of business but a less number may adjourn from time to time.

Records.

SEC. 149. The secretary shall keep a record and full minutes in writing of all proceedings of said board and may certify to such proceedings or any portion thereof, under his hand, to be verified by seal, if a seal has been adopted and provided by the board for that purpose. All accounts of property, money, receipts and expenditures shall be kept by the auditor of said city.

Powers of board.

SEC. 150. The board, by a majority vote of all its members to be recorded on its minutes with ayes and noes, shall have power:

Take charge of library.

1. To take charge of the public library, grounds, reading rooms and branches and of all real and personal property thereunto belonging or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the devise, gift or bequest;

Construct buildings.

2. To purchase or lease all necessary real property whereon to construct a library building or buildings; to construct, maintain, extend and repair such buildings; to lease appropriate rooms, building or buildings for such reading rooms, library or branches; to furnish and equip such rooms and buildings as may be necessary therefor, and to insure library property;

3. To determine the number of librarians, assistants, janitors and such other employees as may be necessary to be appointed for such library, reading rooms and branches; to appoint such employees and at its pleasure, remove them; to describe their powers, duties and hours of employment; to fix the salaries and wages of all such employees; all appointments shall be made without regard to political belief but solely with regard to fitness;

Number of employees.

4. To make and enforce such by-laws, rules and regulations as may be necessary or expedient for its own guidance and for the administration, government and protection of such library, reading rooms, branches and all property belonging, loaned, devised, bequeathed or donated thereto;

Enforce rules.

5. To extend the privileges and use of such library, reading rooms and branches to persons residing outside of the city upon such terms and conditions as said board of directors may from time to time prescribe; *provided*, that non-resident taxpayers of the city shall have the same privileges as residents of the city;

Extend privileges to non-residents.

6. To exclude from the privileges of the library, reading rooms and branches any and all persons who shall willfully violate the rules established by the board, any and all persons who shall conduct themselves in an offensive or improper manner in or about the library or branches thereof and any and all persons afflicted with contagious, infectious, dangerous or offensive disease; it shall be the duty of the librarian upon receipt of notice from the city health officer that contagious or communicable disease exists in any family or any house or building, to at once bar from all library privileges all members of such family or occupants of such building or house, and not to renew such privileges until official notice is received from said health officer that said disease no longer exists and that said premises have been properly fumigated;

To exclude certain people.

7. To exercise and administer any trust declared or created for the benefit of such library, reading rooms or branches thereof and to receive by gift, devise or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided in said trust, dispose of the same for the benefit of said library;

Receive bequests.

8. If the payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board of directors of the public library shall provide for the safety and preservation of the same and the application thereof to the use of such library and reading rooms in accordance with the terms and conditions of such donation or bequest;

Preserve bequests.

9. To provide memorial tablets and niches to perpetuate the memory of any person making donations or bequests to said library;

Memorial tablets.

10. To purchase books, journals, maps, publications and other supplies and personal property for the use of said library;

Purchase books.

11. To repair, sell, exchange or otherwise dispose of personal property;

Repairs.

12. It shall be the duty of the board to exclude from said library all books, papers and publications that it deems to be indecent, immoral, offensive or harmful, and it may, in its discretion, exclude all publications of a partisan or sectarian nature;
13. To borrow books from, lend books to and exchange the same with other libraries, upon such conditions and terms as said board may prescribe;
14. To establish and maintain, or discontinue, such branches of the public library or reading rooms, or both, as the growth of the city and convenience of the public may, from time to time, require; special rules and regulations for the government and opening of any or all such branches may be adopted and enforced at the option of said board;
15. To do and perform any and all other acts and things necessary or proper to fully carry out the intent of this charter in establishing and maintaining a public library and reading room;
16. To control and order the expenditure of all money at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the city treasury, contained in Article XVI.
- SEC. 151. The board of directors shall annually, on or before the first day of August, make a report to the council showing the condition of their trust for the year ending June thirtieth of that year; the various sums of money received from the library fund and from other sources; for what purposes such money has been expended, the amount so expended, and the balance on hand; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of persons entitled to borrow books; the number of books circulated and the general character and kind of such books; the names of all employees and the salary paid to each; with such other information, statistics and suggestions as it may deem of general interest. The statement of financial receipts and disbursements shall be verified under oath by the secretary. The board shall, as specified in Article XV, Section 228, submit to the council a careful estimate of the amount of expenditure required for the coming fiscal year, specifying in detail the object thereof. A duplicate of said report and estimate shall be sent to the auditor.
- SEC. 152. At the request of the board of directors of the public library, as expressed in the annual estimate and budget of the board, the council shall in making the annual tax levy and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a tax sufficient to establish and maintain said library, reading rooms and branches, and for purchasing or leasing such real and personal property, books, papers, publications, furniture, fixtures and erecting such buildings as may be necessary therefor; said levy to be in addition to other taxes, the levy of which is permitted in the municipi-

Offensive
publi-
cations.

Exchange
books.

Branch
libraries.

Other
powers.

Control
fund.

Report to
council.

Estimate
for
tax levy.

Council to
levy tax

pality; *provided*, said levy for library purposes shall not be less than five cents, nor more than twenty cents on each hundred dollars of value of all real and personal property in the city as assessed for city purposes. Limit of tax.

All money received for such library from any source, except as herein otherwise provided for, shall be deposited in the treasury of the city to the credit of the library fund and shall be kept separate and apart from all other moneys of the city, and shall be disbursed only for library purposes herein authorized and only upon the order of the board of directors of the public library as hereinbefore provided.

SEC. 153. No indebtedness exceeding the funds available for library purposes during such year, shall be incurred in any one year; *provided*, that this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Riverside, in accordance with the provisions of this charter or of the general laws of the state, for the purpose of defraying the cost of such improvements; *and provided*, that the contracts for such improvements, the construction of the same and the allowing of demands in payment therefor shall be under the control of the board of directors of the public library, subject to the general provisions herein contained relating to the allowance of demands. Indebtedness for library purposes.

SEC. 154. Any person desiring to make donations of money, securities, or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in the board of directors of the Riverside public library, hereby created, to be owned, held and controlled by such board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the board shall be held and considered to be a special trustee thereof for the city. No real property used for library purposes can be sold by the council or otherwise disposed of without the approval of four directors of the public library. Terms of donations.

SEC. 155. The council shall have the power to appropriate and authorize the use, either in whole or in part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon to be used for the public library or branches thereof, and may appropriate the whole or any portion of any public building belonging to or used by the city, for such use. Use of public grounds for library building.

SEC. 156. The council shall pass proper ordinances imposing suitable penalties for the punishment of persons committing any injury upon said library or the grounds or property thereof, and for injury to or failure to return or for unlawfully obtaining or detaining any book or publication or other property of said library. Injuries to library.

SEC. 157. The board shall have the power to require the secretary of state and other state officials to furnish the library with copies of any or all reports, laws, and other publications of the state not otherwise disposed of by law. Requisitions upon state officers.

ARTICLE VIII.

DEPARTMENT OF PUBLIC UTILITIES AND ELECTRICAL DEPARTMENT.

Board of
public
utilities.

SECTION 158. There is hereby created a department of public utilities which shall be under the control and management of a board of public utilities, consisting of five commissioners, four of whom shall be appointed by the mayor immediately after his qualification and thereafter as their terms expire as hereinafter provided. Each of the four thus appointed shall be at least twenty-five years of age and shall have been a qualified elector of the city for the three years next preceding the day of his appointment. The fifth member of the board shall be the mayor who shall be the presiding officer of the board. Those members first appointed under this charter shall so classify themselves by lot at their first meeting that one shall go out of office on the second Monday in January, 1909, one at the end of one year thereafter, one at the end of two years thereafter, and one at the end of three years thereafter; and thereafter their successors shall hold office for four years until their successors are appointed and have qualified; *provided*, the mayor may at any time remove from office members of said board and thereupon shall file with the council a written message giving the names of the members removed and the reasons therefor. Such removals shall not need the approval of the council. The members shall serve without compensation. Unless otherwise provided by ordinance, the city clerk shall act as secretary of said board and keep the minutes and records thereof and shall, whenever required so to do, certify such proceedings under his hand, the same to be authenticated by seal if a seal is adopted and provided by said board for that purpose.

Terms of
office.Secretary
of board.

Meetings.

SEC. 159. The board shall hold regular meetings at least once in every month at such times and place as it may determine by resolution. Special meetings may be called at any time by the mayor or by any two members; *provided*, written notice is served as herein provided for, and that no business shall be transacted at any special meeting except that mentioned in the call, unless five members consent thereto. Three members shall constitute a quorum for the transaction of business but a less number may adjourn from time to time.

Duties of
board.

SEC. 160. The board of public utilities shall have the exclusive control and management of all electric and other light and power works, gas works, telegraph or telephone systems, water works, ice works or other systems of providing and distributing refrigerating means, materials and service, and all other public utilities that now belong to, or that may hereafter be acquired by the city; the acquisition, construction, extension, maintenance, operation and improvements of such works and systems; the management, rental, use, sale and distribution of the electricity, light, power, gas, fuel, water, ice or other products, merchandise or service therefrom; the collection of the rates and payment for the same and the general charge

thereof; by ordinance of the council, the board may be given charge of the fire and police telegraph and alarm systems.

SEC. 161. The board may appoint, transfer, remove, discharge, suspend or require bonds of superintendents, engineers, laborers and all other persons employed in or by said department or in connection therewith in whatever capacity, and may prescribe their duties, compensation and authority, except as otherwise provided herein for the city auditor, his deputies and clerks. Control of employees.

SEC. 162. The rates to be charged for the use, rental and sale of electricity, light, power, heat, gas, water, telephone or telegraph service, or for any other service supplied by such department for which it is practicable to establish fixed rates, shall be fixed by the board of public utilities annually, or oftener if desired, but must be approved by the council. Said rates should preferably, but not necessarily, yield a reasonable profit and interest on the investment to the city, but must not be less than the actual cost of providing such service or utility, including all repairs, maintenance, operating expenses and the depreciation hereinafter provided for in Section 173 of this article, unless approved by two thirds of all the qualified electors voting on such proposition at any election, *and further provided*, that the board shall have power by a vote of four members, approved by a vote of five members of the council, and by the mayor, when, in their judgment such would be for the best interests of the city as a whole, to make special and discriminating rates and contracts which may or may not be less than the said cost. Fix rates for use of utilities.

SEC. 163. The board shall have authority to purchase all machinery, material, fuel, merchandise and supplies for the use of the department, and such purchases may be made in the open market for the best advantage of the city, and bids shall not be required except at the option of the board, notwithstanding any other provision to the contrary contained in this charter elsewhere. The board is authorized to acquire and take by purchase, condemnation or otherwise, in the name of the city, any and all property, including water and water rights, situated within or without the limits of the city, that may be necessary or convenient for the construction, operation, maintenance or extension of any of the said works or public utilities. Authority to purchase property.

SEC. 164. Said board shall have the power to contract or to extend contracts for power, electric current, gas, fuel, or similar commodity; if said contracts or extensions are for a period exceeding one year and shorter than five years they shall require the approval of the council; if longer than five years they must, in addition, be ratified by a majority of the qualified voters voting on such proposition at any election, before they shall be binding on the city. The board may, however, subject to the approval of the council, make such contracts or make leases of machinery or apparatus for a longer term than five years if such contracts or leases provide for the acquisition by the city of the machinery or apparatus so leased, or provide. Contracts for power.

for the acquisition of the machinery or apparatus producing the electric current, power, gas or other product so contracted for by the city.

May sell service to persons outside of city.

SEC. 165. The city through its department of public utilities shall have the right to sell, lease, rent or furnish any of the commodities, merchandise or service herein provided for, to persons or corporations using the same outside of the city limits, *provided* the same does not interfere with the proper service of the inhabitants of the city, and any contracts must be subject to this provision. The rates so charged shall be fixed by the board, but must be approved by the council.

Same.

SEC. 166. The city, through its department of public utilities, shall have power to purchase, acquire by leasing or renting, to sell, to rent or lease out, to install, repair and maintain every kind of electric current, power, fuel, heat, machinery, apparatus, supplies and all other articles of merchandise necessary, convenient or profitable either for its own use in any of the public utilities operated by the city, or for the use of the customers of the city wherever located. Such service to persons outside of the city shall be subject to the provisions of Section 165 of this article. When the board deems it to be to the profit and best interest of the city, it may furnish, free of charge, or give away to its customers, under proper restrictions, apparatus, lamps, and other articles intended to consume or make use of electricity, gas, power or other commodities furnished by the department.

Street lighting.

SEC. 167. The board shall have entire charge of the system of street lighting; *provided*, that before any extensions of same are made, the approval of the council shall be necessary. The rate to be charged the city for street lighting shall be determined by the board and approved by the council, but must not be less than the actual cost of same. Bills for same shall be rendered monthly and approved in the same manner as other demands. The auditor shall then credit the electric fund and charge the proper fund with the said amount. Light, power and other items and supplies furnished other departments of the city shall be treated in like manner.

Rules for administration of department.

SEC. 168. The board shall have power, by a resolution adopted by a majority of all its members and recorded at length on the minutes with the ayes and noes, to make and enforce all such reasonable regulations, rules and by-laws as may be necessary for its government, for the administration of the department and for the exercise of the powers conferred by this Article. In the event that electric transmission lines have been paid for, in whole or in part, by persons or corporations other than the city, the board may require persons desiring to connect with said lines, to pay a proper proportion of such cost before being allowed to make such connection, and the said payment may be repaid pro rata to the persons originally paying for such lines.

Map of all lights.

SEC. 169. The board shall, as soon as practicable, cause to be made by the city engineer, a map or maps, showing full details of the distributing system, connections therewith and of

all street lights, which maps shall be kept posted up to date or additional maps made as the service increases.

SEC. 170. The city auditor, as provided in Section 99 of Article V, Chapter 3, shall have entire charge and control of all records, books, documents and accounts relating to property and the receipts and expenditures and all accounts of purchases and sales of the department. His department shall also attend to the correspondence of the board or of the superintendent, but this shall be under the control and direction of the board. The board shall allow out of the electric fund the wages of the deputies and clerks so employed in the department, which wages shall be fixed by the council. The auditor shall make, as soon as practicable after the adoption of this charter, with the assistance of the superintendent, a complete detailed list with an inventory at the present value of all property belonging to the department, in order to determine the net value of the city's investment therein. The values in said inventory shall be set by the board, and it may engage a competent person to set same or to assist therein. The auditor shall keep this record posted up to date, and shall annually make a new inventory. A record shall be kept of all property sold, lost, destroyed, worn out or discarded, and a record of all connections and the number of lamps in use. The auditor shall accurately apportion all income and expenditures so that regular operating expenses, repairs, betterments, extensions, replacements, depreciation, cost of operation, power and fuel, the income from various sources, and the net income and real value of the plant can always accurately be told. The board and superintendent shall so conduct the department that this can be done and the auditor is instructed and given power to see that this provision is complied with.

SEC. 171. All money received by the board from the collection of rates or otherwise shall be paid over to the treasurer of the city, daily, unless otherwise provided by ordinance, to the credit of the electric fund, which shall be kept separate and apart from all other moneys of the city, and shall only be drawn from said fund by demands previously approved by a vote of three members of the board taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demands and signed by the mayor as president of the board and by the secretary thereof. All demands must be approved by the superintendent or managing head of the department and by the auditor or his deputy before being presented to the board. In case of emergency the council may transfer money from the general fund to the electric fund. Any moneys raised by issuing the bonds of the city for the use of the department of public utilities shall be expended and controlled by the said board. Money may be temporarily transferred from the electric fund to the general fund by the council, but only with the consent of the board of public utilities, and such money must be returned to the electric fund by the first day of the following May.

City auditor to have charge of records.

Deputies and clerks.

Disposition of moneys received.

Transfer of funds.

Purposes for which electric fund may be used.

SEC. 172. None of the money in the electric fund shall be apportioned and used for any purpose or purposes other than for the following:

1. For the necessary expenses of conducting the electric department, operating the electric plant and making all current and ordinary extensions, betterments and repairs;

2. For the extraordinary improvement of and betterment to the plant, property, equipment and system of supply and distribution of the electric department, including purchase of necessary lands, water rights and other properties;

3. Any unused balance in the electric fund, after deducting for the depreciation sinking fund as provided in Section 173 of this Article, may, with the approval of both the board and the council, be used for payment of principal and interest of any electric department bonds outstanding;

4. After all expenditures have been made that are required in the first, second, and third subdivisions of this section, the profit, if any there be, remaining in the electric fund at the end of the fiscal year, from the operation of the plant for such year, may, with the consent of both the council and the board of public utilities, be transferred, in whole or in part, into the general fund for the use of said fund.

"Depreciation sinking fund."

SEC. 173. At the end of each fiscal year the auditor shall take the total value of property belonging to the electric department as obtained from the inventory and property record; he shall deduct not less than five per cent therefrom, which shall represent the estimated depreciation of the whole plant and system for the year. Said per cent shall thereupon be transferred from the electric fund to the credit of the fund to be known as the "Depreciation Sinking Fund." He shall then charge to such sinking fund and credit to the electric fund the amount expended during the year in actual replacements of worn-out machinery and plant, but must not include therein amounts expended in betterments, extensions, changes and repairs. The balance remaining in the depreciation sinking fund shall then be invested by the treasurer, subject to the approval of the council, in United States, state, school or municipal bonds, or deposited in savings banks organized under the laws of California, at interest, and the interest thereon shall accrue to said fund. If the per cent deducted from the electric fund in any one year shall not be sufficient to offset the expenditures for said actual replacements for such year as above specified, then sufficient bonds from the depreciation sinking fund shall be converted into cash, or cash withdrawn from said savings banks, and said cash transferred to the electric fund to make up such deficiency; but this shall be done only on the recommendation of the auditor and approved by the said board and the council. The depreciation sinking fund shall otherwise remain inviolate except as authorized by a two-thirds vote of the qualified electors voting on such proposition at any election; *provided*, that the said board by a four-fifths vote of all the members, approved by the council by a vote of five-sixths of all the members and by the mayor, shall have the power to

Investment of fund.

instruct the treasurer and auditor to convert sufficient of said bonds into cash or withdraw said deposits, and thereupon to temporarily transfer the proceeds and to use same for betterments and extensions of said plant, or to acquire any other public utility elsewhere provided for in this charter, but must not use the same for repairs or operating expenses. Said temporary transfers must be repaid to said sinking fund by the electric fund or other fund, as the case may be, in annual installments not less than ten in number, with five per cent interest on same, computed semi-annually, and the auditor is authorized and instructed to make such transfer and the council must provide the funds therefor if the balances in such fund be insufficient. Annual reports in detail must be made by the auditor and the treasurer of all increments, changes, conversions, investments, interest, loans from and repayments to said depreciation sinking fund.

Temporary transfers.

The auditor may take expert advice other than that of the electric department, as to the proper per cent of depreciation to be charged to the electric fund and credited to the depreciation sinking fund, as above provided; if, from such advice he believes five per cent to be too small, he shall make use of such per cent as he believes conservative and safe. If the money in the electric fund be insufficient to provide the amount of the depreciation charge the auditor shall create a deficit in the electric fund and if said deficit be not balanced at the time the next annual tax levy is made, the council must, by levy or otherwise, provide the money to balance the said fund. Said per cent shall not be less than five per cent unless approved by a majority of the electors voting on such proposition at any election.

Auditor may take expert advice.

SEC. 174. The board shall present to the council a monthly report showing expenditures for operating expenses, fuel, power, wages, repairs, replacements, betterments and extensions; also all income and net profit itemized into proper classes, and also an annual report showing in addition to these items the nature and condition of the property under their control with such information and suggestions as it may deem of general interest. If funds be needed for extensions, improvements, repairs or other expenditures, too great to be paid out of the estimated current income of the department, the board shall, as provided in Section 228, Article XV, make an itemized statement of the same to the council and the council may make such proper tax levy to provide such funds, and said taxes shall, when collected, be credited to the electric fund. Duplicates of all reports shall be filed in the auditor's office.

Report to council.

SEC. 175. It shall be the duty of the council to pass such ordinances as may be necessary to enforce the rules and regulations made by the said board.

Ordinances.

SEC. 176. The board shall possess such other powers and perform such other duties as may be necessary to carry any of the powers and duties prescribed in this article into full force and effect, or as may be elsewhere prescribed by this charter or by ordinance.

Other duties of board.

Provision
for other
utilities.

SEC. 177. It is understood that at the time of the adoption of this charter, the electric department is the only public utility operated by the city. In case any other public utility herein mentioned in Section 160 of this Article shall hereafter be acquired and pass under the control and management of the board of public utilities, the said board shall create separate departments therefor, and such departments shall each be subject to all the provisions of this Article as far as they can be made applicable, and the accounts thereof shall be kept entirely separate each from the other, and separate and appropriate funds shall be established for each.

Sale
of public
utility.

SEC. 178. No public utility once acquired and operated by the city shall, nor shall the control of same or the products therefrom, ever be sold, leased, abandoned or otherwise disposed of to any person or corporation except such proposition is approved by a two-thirds vote of all the qualified electors voting on such proposition at any election at which said proposition shall be legally submitted; *provided*, that said prohibition shall not be construed to prevent the ordinary sale of electricity, gas, power, service, merchandise, supplies, materials and unused or abandoned machinery or apparatus to the customers of the city in the regular course of business.

ARTICLE IX.

HEALTH DEPARTMENT.

Board of
health.

SECTION 179. The board of health shall consist of five members, three of whom shall be appointed by the mayor; each of the three thus appointed shall be at least thirty years of age, and shall have been a qualified elector of the city for a period of three years next preceding his appointment, two of whom shall be practicing physicians and one shall be a citizen other than a physician. The physicians shall have practiced their profession for at least five years next preceding their appointment. The fourth member shall be the city engineer. The fifth member shall be the mayor who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office on the second Monday in January, 1910, one at the end of one year thereafter and one at the end of two years thereafter. Thereafter their successors shall hold office for four years and until their successors are appointed and have qualified.

Quorum.

SEC. 180. Three of the members of the board shall constitute a quorum for the transaction of business.

Secretary.

SEC. 181. The board shall at its first meeting and annually thereafter, or at the will of the board, appoint one of its members, who is a practicing physician, as secretary of the board. The secretary shall be ex-officio health officer of the city.

Meetings.

SEC. 182. Regular meetings of the board shall be held once a month. Special meetings may be called by the mayor, by two members of the board or by the health officer, and may be by telephone.

SEC. 183. The board shall have power to appoint and remove at pleasure a regularly certificated physician to serve as city physician, who may or may not be the health officer. City physician.

SEC. 184. The health officer and city physician shall receive such compensation as may be fixed by the council. The other members of the board, acting as such, and appointed as in this charter provided, shall receive no compensation for their services. Compensation.

SEC. 185. The board of health shall have such other powers and perform such other duties as may be prescribed by ordinance. Other powers.

ARTICLE X.

PARK DEPARTMENT.

SECTION 186. There shall be a board of park commissioners, consisting of five persons, whose appointment, term and tenure of office shall be the same as provided for directors of the Riverside Public Library in Article VII of this charter, and who shall receive no compensation for their services as commissioners, but any of the members of the commission shall be eligible to serve as superintendents under said commission. The compensation of such superintendents shall be fixed by the council. Board of park commissioners.

SEC. 187. The board shall elect a president who shall hold office during its pleasure. Unless otherwise provided by ordinance, the city clerk shall act as secretary of the board and keep the minutes thereof. It shall hold regular meetings at least once in each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time as provided herein; its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its direction. Organization.
Meetings.
Quorum.

SEC. 188. The board shall have the exclusive control of all lands and real property which may be acquired, set apart or dedicated for the use of the people of the city as public parks or pleasure grounds, and of any boulevard that may be acquired, dedicated or constructed as a portion of the park system of the city. The board shall have authority to purchase all articles and materials for and have all work and labor performed upon said parks, pleasure grounds and boulevards, and to that end may appoint, remove, discharge or suspend superintendents, laborers and all other persons employed upon or about said parks, pleasure grounds and boulevards. The board shall have the authority to establish rules and regulations for the use and government of such parks, pleasure grounds and boulevards, and shall have the right to prohibit the use of the drives in any of said parks or pleasure grounds or the said boulevards for teaming or other purposes which may be injurious to them, and shall render such other services and perform such other duties as may be prescribed by ordinance. Powers.

Reports. SEC. 189. The commission shall make monthly and annual reports to the council of expenditures and of other matters deemed wise by the commission. They shall annually submit an itemized estimate of the money needed for the work of the commission during the ensuing year. The council shall levy such tax for such purposes as it deems wise, when collected it shall be paid into the "park fund," and be paid out only for park purposes and for other work coming under the control of the commission.

ARTICLE XI.

JUDICIAL DEPARTMENT.

Police court. SECTION 190. The judicial power of the city shall be vested in a police court consisting of one police judge. He shall have been a qualified elector of the said city for the two years next preceding his appointment and shall be an attorney duly admitted to practice before the Supreme Court of the state. He shall be appointed by the mayor.

Powers. SEC. 191. The police judge shall have the power of examining magistrates and may commit offenders for trial in the proper court; also to administer and certify oaths and affirmations.

Jurisdiction. SEC. 192. The police court shall have exclusive jurisdiction of criminal proceedings for violation of the city ordinances; and of all civil actions and proceedings arising out of a violation of such ordinances; and for the collection of any license tax required by any ordinance, except such actions and proceedings as, on account of the amount involved, are within the jurisdiction of other courts under the provisions of the constitution of the state.

Same. SEC. 193. The police court shall have jurisdiction concurrently with the justices' courts of all civil actions and proceedings, arising within the corporate limits of the city and which might be tried in said justices' courts.

Proceedings. SEC. 194. Proceedings in criminal actions triable in such courts shall be in conformity with the provisions of Part II, Title XI, Chapter I of the Penal Code of this state; proceedings in civil actions shall be in conformity with the provisions of Part II, Title XII of the Code of Civil Procedure.

Rules of practice. SEC. 195. The rules of practice and mode of procedure in the police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county from all judgments of said police court in like manner and with like effect as in cases of appeal from justices' courts. Abstracts of judgment from said court may be filed with the county clerk and county recorder, and liens created, and said judgments enforced in the same manner as judgments in justices' courts; *provided*, that in actions in said court when process is to be served outside of the county of Riverside, the process shall have attached to it a certificate of the city clerk under his official seal, that the person issuing the same was acting police judge at the date of the process.

SEC. 196. The judge of the police court 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. Dockets.

SEC. 197. All fines, penalties and forfeitures collected by said police court shall be the property of the city and shall be immediately deposited in the city treasury for the use of the said city. Disposition of fines.

SEC. 198. The city shall furnish for said court a suitable court room and office and the necessary dockets and all blanks and other books, papers and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days. Court room.

SEC. 199. In the absence, or upon the disqualification or disability of the judge of said police court, any qualified justice of the peace of Riverside Township at the request of said police judge may preside in his place as judge of said police court with all the powers, authority and jurisdiction of the duly qualified judge thereof. If judge be absent, who may preside.

SEC. 200. The mayor shall have power to appoint any justice of the peace for Riverside Township as police judge, notwithstanding any other provision in this charter contained. Appointment.

SEC. 201. The council shall have power to prescribe by ordinance, additional duties and powers for the police judge. Additional powers.

ARTICLE XII.

POLICE DEPARTMENT.

SECTION 202. The police department of the City of Riverside shall consist of a chief of police and such other officers and policemen as shall, from time to time, be fixed and determined by the council. Police department.

SEC. 203. The chief of police shall be at least thirty years of age and a qualified elector of the City of Riverside for at least two years preceding his appointment. He shall be appointed to his office by the mayor. Chief of police.

SEC. 204. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the City of Riverside, and every citizen shall also lend aid when required for the arrest of offenders in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city, and it shall be his duty to prosecute before the police judge all Powers and duties.

Collect
licenses.

breaches or violations of or non-compliance with any city ordinance or law within the jurisdiction of the police judge which has come to his knowledge. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses and collect the same and at the expiration of any month shall pay to the treasurer all funds of the city collected by him during said month. He shall, upon payment of the money, file with the treasurer a statement of the money so collected and an affidavit stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office, and subject to such rules and regulations as the council may prescribe, shall have control of the police force. He shall have power to suspend or remove any member of the police force for disobedience of any lawful order, for the violation of rules and regulations of the department and for neglect of duty or for conduct unbecoming a member of the police force. He shall immediately file with the mayor written charges, specifying the grounds upon which such suspension or removal is made. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city or by law or the provisions of this charter.

May
remove
police
officer.

Policemen,
by whom
appointed.

SEC. 205. The policemen of the department shall be appointed by the chief of police, and such policemen shall hold office subject to removal by the chief of police for cause.

Organiza-
tion of de-
partment.

SEC. 206. The council, subject to the provisions of this charter, shall have power to organize the police department and make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police department of the city.

ARTICLE XIII.

FIRE DEPARTMENT.

Fire de-
partment.

SECTION 207. The fire department of the City of Riverside shall consist of a chief and such number of officers and men of the department as the council shall from time to time, fix and determine.

The chief.

SEC. 208. The chief of the fire department shall be a citizen of the United States and at least thirty years of age. He shall be appointed by the mayor.

Powers
and duties.

SEC. 209. The chief of the fire department shall, subject to such rules and regulations as the council may prescribe, have entire control of the department. He shall have power to suspend or remove any member of the fire department for disobedience of any lawful order, for the violation of rules and regulations of the department, and for neglect of duty or for conduct unbecoming a member of the force. He shall be

charged with the especial duty of superintending the extinguishment of fires that endanger the municipality or destroy its property and he shall take measures to guard and protect all property imperiled thereby. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city.

SEC. 210. The council, subject to the provisions of this charter, shall have power to organize the fire department and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries including that of the chief of the fire department, and do all other acts necessary to the efficient equipment and operation of the fire department of the city.

Council to
organize
depart-
ment.

ARTICLE XIV.

ELECTIONS.

SECTION 211. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes, are of two kinds: Elections.

1. General municipal elections;
2. Special elections.

SEC. 212. General municipal elections shall be held in the said city as follows: the first election shall be held on the second Tuesday of May, nineteen hundred seven; the second election shall be held on the third Tuesday in November, nineteen hundred nine; the third election shall be held on the third Tuesday in November, nineteen hundred eleven, and general municipal elections on the third Tuesday in November every two years thereafter. General elections.

The mayor, the city clerk, the city auditor and the city treasurer shall be elected at large at the first general municipal election. The successor to the mayor shall be elected at the second general municipal election and every two years thereafter. The successors to the city clerk, city auditor and city treasurer shall be elected at the third general municipal election and every four years thereafter. First election, who to be elected and for what terms.

One member of the city council from each of the wards of the city shall be elected by the electors of said ward and the five members of the board of education shall be elected by the electors at large at the first general municipal election. The members of the council from the third, fourth and sixth wards first elected, shall hold office until the first Monday in January, nineteen hundred ten, and the members from the first, second and fifth wards until the first Monday in January, nineteen hundred twelve.

The successors of the members of the council from the third, fourth and sixth wards and of two members of the board of education shall be elected at the second general municipal election and every four years thereafter. The successors of the members of the city council from the first, second and fifth

wards and of three members of the board of education shall be elected at the third general municipal election and every four years thereafter.

The officers elected at the first general municipal election instead of holding office for the regular two and four year term, elsewhere specified, shall hold office until the first Monday in January, nineteen hundred ten, and nineteen hundred twelve respectively. Every officer shall hold office until his successor is elected or appointed, and has qualified.

When
terms
begin.

SEC. 213. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, take office and enter upon the discharge of their duties at ten o'clock A. M., of the first Monday in January next succeeding their election, except that the officers elected at the first general municipal election shall take office and enter upon the discharge of their duties at ten o'clock A. M., on the second Monday after their election.

Special
elections.

SEC. 214. Special elections shall be held for such purposes and at such times as the council may determine, or at such times as are elsewhere provided in this charter, except that no special election shall be held less than thirty days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections.

State
election
laws
to govern.

SEC. 215. The provisions of the general law of the state governing municipal elections, where the same are held separate from the general state elections, are hereby adopted as the law governing city elections, and the provisions of the general laws of the state governing elections for state and county officers shall govern city elections in matters for which no provision is made in this charter, and the council and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws on boards of supervisors and county clerks concerning elections; *provided*, that where this charter makes provision relating to any matters contained in such general laws, the said charter provisions shall govern.

Elections
for board of
education.

The elections for members of the board of education held in the territory embraced in the Riverside city school district lying outside the city limits shall be held in accordance with the election provisions of this charter, except that the number of election officers and the form of the ballot may be as is required by the general school laws of the state for school elections.

Nomina-
tions.

SEC. 216. All candidates for city offices shall be nominated in the manner only as provided in section 1188 of the Political Code of the State of California, as now in force.

Arrange-
ment of
ballots.

SEC. 217. When candidates for any office are nominated as specified in accordance with the provisions of section 1188 of the Political Code of the State of California, it is hereby provided and directed that no party name or designation shall appear on the certificates or ballots and that the names of the candidates for each office shall be arranged alphabetically on said ballot.

SEC. 218. The conduct and carrying on of all city elections shall be under the control of the council and the council shall, by ordinance, order the holding of all elections and provide for the notice thereof. Conduct of elections.

SEC. 219. Each ward of this city shall constitute at least one municipal election precinct, but the council may divide any ward into two or more election precincts for the purpose of any city election and may change and alter and consolidate such precincts; *provided*, the same is not done within thirty days previous to an election; *and provided further*, that no precinct shall in any case embrace parts of any two or more wards. Precincts.

SEC. 220. At each city election each of the election officers shall receive not to exceed the sum of three dollars for his services. Pay of election officers.

SEC. 221. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter or by ordinance; *provided*, that in case the question is required by said constitution, law, charter or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted unless otherwise provided herein. Submission of questions to electors.

SEC. 222. The present officers of the city, and the school trustees of the Riverside, Palm Avenue, Magnolia and Victoria school districts, and of the Riverside high school district, shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them under the laws and the ordinances under which they were elected. Status of present officers.

SEC. 223. The board of trustees of the City of Riverside, in office at the time this charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election, the amounts of said bonds and the provisions relating thereto to be as herein provided. Provision for holding first election.

If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the City of Riverside then in office must provide for the holding of said election as soon as possible thereafter.

SEC. 224. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the council. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on the order of a court of general jurisdiction. Election returns.

SEC. 225. On the first Monday after the election and at their usual time and place of meeting, the council shall meet and canvass the returns and declare the result. Canvass of vote.

Certificate
of election.

SEC. 226. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the same by depositing such certificate with the postage prepaid, in the United States postoffice in Riverside, addressed to the person elected or appointed, and such person must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

ARTICLE XV.

REVENUE AND TAXATION.

Public
revenue

SECTION 227. All taxes, licenses, fines, penalties and all moneys received from any source, shall constitute the revenue of the city and shall be collected and paid into the city treasury.

Estimates
for
tax levy.

SEC. 228. On or before the third Monday in July of each year, unless a different time is fixed by ordinance, the several heads of each department, office, board and commission shall submit to the council an estimate in writing of the amount of expenditure, specified in detail, and stating the object thereof, required in the respective department, office, board and commission during the year. Duplicates of these estimates shall be submitted to the auditor.

Auditor to
transmit
general
estimate.

SEC. 229. On or before the fourth Monday in July of each year, unless a different time is fixed by ordinance, the auditor shall prepare and transmit to the mayor and council an estimate of the probable financial necessities of the municipal government for the fiscal year, stating the amount required to meet the interest and principal on all bonded or funded indebtedness of the city, together with the amount needed for the salaries and probable wants of all the departments of the municipal government in detail, showing specifically the necessities of each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses and all other sources of revenue, exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation in order to meet the necessities of each specific fund for such fiscal year.

Council
to fix
amount of
revenue
required.

SEC. 230. The council shall have the power and it shall be their duty to fix by ordinance the amount of money necessary to be raised by taxation upon the taxable property of the city, as a revenue to carry on the various departments of such city for the current fiscal year, not to exceed the limit fixed by this charter, if there be such limit, and to pay the bonded or other indebtedness of said city. The council shall meet for such purpose and shall so ascertain and fix said amount on the first Monday in August in any year when provision has been made by ordinance for the assessment and collection of the city taxes by the county assessor and county tax collector, and in any other year at such time as may be fixed by ordinance.

SEC. 231. During such time as the assessment and collection of city taxes shall be made by the proper officers of said city, the council shall meet at their usual place of holding meetings at ten o'clock A. M. on the second Monday of August of each year, unless a different time is fixed by ordinance, and sit as the board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor have been rectified and the assessment equalized. They shall have power to hear complaints and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment upon notice to the parties whose assessment is to be raised. The corrected list for each tax shall be the assessment roll of said tax for said year. It shall be certified by the city clerk, who shall act as clerk for the board of equalization, as being the assessment roll for said tax and shall be the assessment roll upon which such tax is to be levied in said year.

Board of equalization.

SEC. 232. The mayor and council shall have power and it shall be their duty, unless the city taxes are assessed and collected as provided in Section 234 of this Article, to provide by ordinance a system for the assessment, levy and collection of all city taxes and for the sale of property for delinquent taxes, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state with reference to assessment, levy and collection of state and county taxes and sale of property for delinquent taxes, except as to the times of such assessment, levy and collection and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed from and after the date of assessment.

Council to provide for assessment and collection of taxes.

SEC. 233. If there shall be no ordinance in force availing the city of the privilege of having its taxes assessed and collected by the officers of the county, the city clerk shall be ex-officio assessor and the treasurer shall be ex-officio tax collector; and they shall perform respectively the duties and have all the powers prescribed by law or ordinance for assessors and tax collectors. While the city avails itself of the privilege of having its taxes assessed or collected by the county officers, the offices of city assessor and city tax collector shall not exist. The taxes so levied and collected shall be paid by the proper county officers to the city treasurer and be apportioned by the city auditor to the several specific funds.

Assessor and tax collector, who are ex officio.

SEC. 234. The mayor and council shall, during the month of January, nineteen hundred eight, and the month of January, nineteen hundred nine, and may, annually thereafter, pass an ordinance electing to avail the City of Riverside of the provisions relating to the making of assessments and collection of taxes by the assessor and tax collector of the county of Riverside, pursuant to the provisions of an act of the legislature of the State of California entitled: "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of

Council may elect to have county collect revenue.

California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporation," approved March twenty-seventh, eighteen hundred ninety-five; *provided*, said act be then in force, and shall cause a certified copy of such ordinance to be filed with the auditor, assessor and tax collector of said county of Riverside. If said act shall be amended or some other law be substituted instead, providing for the assessment and collection of city taxes by county officers, any ordinance passed therefor by the mayor and council shall conform to the provisions of such amended act or such law in order to avail the city of the privilege of having its taxes assessed and collected by such county officers.

Rate
of taxes.

SEC. 235. On the first Monday of September in any year when provision has been made by ordinance for the assessment and collection of the city taxes by the county assessor and county tax collector, the council shall fix the rate of taxes for such year as provided in Section 4 of said act of the legislature referred to in Section 234 of this Article, and shall immediately thereafter transmit to the county auditor of said county of Riverside a statement of such rate as fixed by said council.

Taxes
for 1907-8,
by whom
assessed.

SEC. 236. The city taxes for the fiscal year 1907-8 shall be assessed by the city clerk and ex-officio assessor of the City of Riverside holding office prior to the second Monday after the second Tuesday in May, nineteen hundred seven; said assessor shall continue in office as assessor of the City of Riverside incorporated under this charter until said assessment roll has been completed and shall be entitled to such compensation therefor as may be fixed by the council. Such assessment shall be as valid and binding as if made by the ex-officio assessor elected under this charter. This provision shall take precedence over any other provision of this charter in conflict therewith. Said assessment shall be made under the existing ordinances of the City of Riverside, except as to the amount of tax levy which shall be governed by the provisions of this charter.

Transfer
of funds.

SEC. 237. No money from bond, interest or sinking funds of the city shall be transferred to other funds, except as provided herein, until the necessity for which such bond, interest or sinking funds were created no longer exists. Ordinances providing for the levying of the taxes mentioned in this article shall not be subject to the provisions of the Referendum referred to in Section 259, of Article XXI.

Tax limit.

The council shall not have power to levy a general tax greater than one dollar and thirty-five cents on each one hundred dollars of the assessed valuation of all property within said city. This limit is exclusive of all taxes for the payment of the principal and interest of the bonded indebtedness of the city, all district taxes, special taxes, special assessments and

all taxes for library or school purposes. This limit may be changed at any time by an ordinance adopted by a majority vote of all the electors voting on such question at any election and such ordinance may originate in the council or may be proposed by initiative petition.

ARTICLE XVI.

CLAIMS AND DEMANDS.

SECTION 238. Bonds and interest coupons shall be paid by the treasurer and demands shall not be necessary therefor. Bonds and interest.

SEC. 239. All other payments from the treasury must be made only on demands as herein provided and every demand must specify each date, item and value, be verified under oath and must be approved by the head of the department authorizing or the person having knowledge of the same, and by a majority of all the members of any board over such department. Other payments must be on demands.

SEC. 240. All demands on the library fund, the electric or other public utility fund, must be approved by a majority vote of all the members of the board of directors of the Riverside public library or the board of public utilities, respectively, and approved by the auditor. The approval of the mayor and council shall not be necessary, but the mayor may disapprove any such demand and such demand shall be then paid only if approved, as provided in Section 242 of this Article. Approval of demands.

SEC. 241. All demands except those referred to in Section 240 of this Article must be approved by a majority of the finance committee of the council, by a majority vote of all the members of the council, by the mayor and by the auditor. Same.

SEC. 242. The council may approve any demand over the disapproval of the finance committee or of any head of department by a majority vote of all the members. The council or other board specified in Section 240 of this Article may approve any demand over the disapproval of the mayor by a vote of five members and four members, respectively. Every such demand must be voted on separately, the aye and no vote recorded and the reason for any disapproval attached to the demand. Council may approve any demand.

SEC. 243. Any demand in the fire or the police departments must be approved by the chief of such department and by the mayor. Fire and police demands.

SEC. 244. Salaries of elective officers, except those of members of the council, shall not require demands. Salaries.

SEC. 245. The auditor shall designate the fund out of which any demand shall be paid. His disapproval shall be final, subject to the review of the courts. No demand can be paid by the treasurer unless audited and approved as herein provided. If there are no funds to pay any demand on presentation, the treasurer shall register such demand and thereafter, if there be funds legally applicable to pay such demand, it shall be paid in the order of registration, together with interest from the date of registration at the rate of five per cent per annum. Funds from which demands payable.

Form of
demand.

SEC. 246. The board of city accounting shall prescribe forms, records and duties relating to demands and their approval and payment, and such shall not be changed except on a vote of the electors.

ARTICLE XVII.

BONDED INDEBTEDNESS.

Bonds, for
what may
be issued.

SECTION 247. Bonds of the City of Riverside may be issued under the provisions of the general laws of the state relating to the incurring of bonded indebtedness subject to the following provisions which shall take precedence over the provisions in such general laws relating to similar matters.

1. Bonds may be issued by the city to defray expenditures for any purpose for which any of the funds of the city may be lawfully expended.

2. Funds from the sale of bonds issued for school, library or public utility purposes shall be under the exclusive control of, and shall be expended only on demands approved by the board of education, the board of directors of the Riverside public library or the board of public utilities, respectively.

3. The city may issue bonds for a term of years less than forty years, said bonds shall be serial and shall be payable in equal annual installments and the length of said term shall be determined and stated in the ordinance passed by the council submitting the question of incurring said indebtedness and issuing said bonds, to be voted on at an election, and said election may be either a special or a general municipal election.

ARTICLE XVIII.

CONTRACTS.

Contracts,
bids for
must be
invited.

SECTION 248. The City of Riverside shall not be and is not bound by any contract unless the council shall have first caused notice to be published in a daily newspaper printed and published in the City of Riverside, inviting proposals, and thereafter shall have let said contract to the lowest responsible bidder furnishing adequate security for its performance, satisfactory to the council; *provided*, that the council may reject any and all bids; *and provided*, that any such contract shall be made in writing, and approved and signed as provided in Article III, Chapter 1, Section 9; *and provided further*, that the approval, as to form of such contract, by the city attorney, as required by Section 121 of Article V of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money not exceeding five hundred dollars without a contract in writing and without any previous publication of notice inviting proposals; *provided*, that contracts made by other boards authorized by this charter to make contracts, shall not be subject to the provisions of this section.

SEC. 249. The council shall not have power to make any contract or lease or to extend any existing contract or lease for a longer period than five years unless said contract, lease or extension be approved and ratified by a majority of the qualified electors of the city voting on such question at any election; *provided*, that a lease, contract or extension for a longer period shall be valid without such approval if said lease or contract provides for the acquisition by the city, at the end of such period, of the real or personal property so leased or contracted for, but such contract, lease or extension shall nevertheless be subject to the provisions of the referendum herein provided for in Section 259 of Article XXI.

Contract must not extend over five years.

SEC. 250. The council shall annually, at some regular meeting held during the month of June, fix the rate to be paid for official advertising and for job printing for the year following, from July first to June thirtieth. Such advertising and job printing may, thereafter during said year, be procured by the council or by any board, officer or employee legally authorized, but in no case shall the price paid exceed, though it may be less than the rate so fixed by the council. At the same price, preference shall be given on orders for job printing to printing establishments located in the City of Riverside, but this shall not be construed as preventing such work being done outside of the city if a lower price, considering quality of work, can be thus obtained.

Rates for advertising and printing.

SEC. 251. If no newspaper published in the City of Riverside will accept advertising at the rate so fixed as provided in Section 250 of this Article, or if for other reasons the council so decides, the said council in lieu of newspaper advertising may issue and publish a bulletin containing such matter as they, or any officer or board of the city are required to publish, and shall cause a copy thereof to be addressed to each of the registered voters of the city, to their addresses as the same shall appear on the last great register of Riverside county, and the same shall be deposited in the United States postoffice with the postage duly prepaid, and shall also post printed copies of such advertisement in three public places in the city. Action shall not be taken in regard to any matters so advertised for such period after such postage and mailing as may be required herein or by law to elapse after regular advertising in the official newspaper, or for five days thereafter if no time is so specified. Such mailing and posting shall be conclusively deemed to be of the same effect as if the advertisement had been fully published the required number of times in such newspaper as may be required by law or this charter. All provisions of this charter are subject to the provisions of this section.

Advertising, proceedings in case newspapers will not accept.

SEC. 252. The council may by ordinance create the position or office of city purchasing agent, and shall prescribe the duties and fix the compensation therefor. Such position or office may be filled by one of the officers or employees of the city so designated, or a new and separate office or position may be created. The council may provide that all or any designated portion of

City purchasing agent.

the purchases and contracts under the jurisdiction of the council must be made by said purchasing agent under rules to be provided therefor; and with the consent of other boards herein given the power to make purchases and contracts, the council may provide that all or a portion of such purchases and contracts may be made by said agent, under similar or different rules. The council may provide that the purchasing agent may make all or any portion of the purchases of the city in the open market at the best prices obtainable and to the best advantage of the city, without advertising for bids, and the provision so made shall take precedence of the provisions of Section 248 of this Article or of any other provisions of this charter requiring such advertisement for bids and shall take precedence of the provisions in Section 250 of this Article relating to job printing.

ARTICLE XIX.

STREETS AND SEWERS.

Streets and
sewers,
general
laws to
govern.

SECTION 253. Except as provided herein and unless otherwise provided by ordinance, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this state is hereby made a part of this charter, and shall govern the council in such matters; *provided*, the council is hereby given power to enact ordinances providing for, and having the effect as long as such ordinances shall remain in force, of repealing all, any, or any portion of any such general laws, as far as the same shall relate to the City of Riverside, and substituting in place thereof other measures, provisions and regulations, relating to similar matters; *and, provided*, the council is hereby given power to enact ordinances providing other and different measures, provisions and regulations relating to any, all or any portion of the matters covered in such general laws, and in any proceedings relating to any of said matters to decide and provide in the resolution or ordinance ordering or initiating said proceedings, whether said proceedings or work shall be conducted under said general laws, under said general laws as amended by said ordinances, or entirely under

General
laws may
be re-
pealed as
to city.

said ordinances. A repeal of any such ordinance will revive the operation of any such general law so repealed in whole or part, with amendments thereto, provided said law be still in force in the state.

SEC. 254. The council shall have power by duly enacted ordinance to provide rules and regulations for having sewers, drains and conduits laid in the streets, alleys and places of the city, under private or public contract, to require that the owner of any property which has not contributed to the payment of the cost and expenses of such construction, must, before being allowed to connect with and use such sewers, drains and conduits, pay into the city treasury or to some designated officer, the proper portion of such cost and expense which such property should have borne had it participated in said payment, with interest thereon to said date, or in lieu thereof a stated sum of money. The ordinance may provide that the money so collected shall be paid into the sewer fund, or returned to the present owners of the property participating in such original cost, pro rata. Power of council.

SEC. 255. The council shall have power to cause an estimate to be made and a bid submitted on behalf of the city by the city engineer and the superintendent of streets on any work provided for in this article. Said bid shall be in regular form but no bond, certified check or other deposit or security shall be required of the city. The contract for said work may be awarded to the city if the bid of said city is the lowest, or to the next highest responsible bidder at the option of the council. No bond shall be required of the city, but the contract shall be signed in regular form. The superintendent of streets shall have charge of the execution of any such contract and careful records of cost must be kept. The city may do any such work on application of a petition signed by the owners of a majority of the frontage of the property fronting on any proposed improvement, even though no bid was submitted by said city, or without said petition if the council deems that the city can do such work at less cost than the lowest bid therefor. Any such work may be done by day labor, or sublet by contract, or both. Assessments for such work shall be collected as designated by the council. City may bid for work.

SEC. 256. In all proceedings under the general laws of the state the city engineer and the superintendent of streets, respectively, shall perform the same duties as prescribed in said laws. Duties of city engineer and street superintendent.

ARTICLE XX.

FRANCHISES.

SECTION 257. The council shall have power to designate the terms, conditions and duration of all franchises, *provided* that no exclusive franchise shall ever be granted. Franchises.

ARTICLE XXI.

THE INITIATIVE.

SECTION 258. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each of such papers shall make oath before an officer qualified to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition, the city clerk shall examine and from the great register and certificates of registration, ascertain whether or not said petition is signed by the requisite number of qualified and registered electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination.

The initiative.

Signatures to petition.

Clerk to examine.

Amended petition.

If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

Council to pass ordinance.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per cent. of the entire vote cast for all candidates for mayor at the last preceding general municipal election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to fifteen per cent. of said vote and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

Form of ballots

The ballots used when voting upon such proposed ordinance shall contain the words: "For the Ordinance," (stating the general nature of the ordinance) and "Against the Ordinance," (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition or which shall be adopted by a vote of

the people, cannot be repealed or amended except by a vote of the people obtained in like manner.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

THE REFERENDUM.

SECTION 259. No action providing for the sale or lease of any city property exceeding five hundred dollars in value and no ordinance passed by the council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a vote of five members of the council and approved by the mayor or the unanimous vote of all the members over the mayor's disapproval, but no grant of any franchise shall be construed to be urgency matter), shall go into effect before thirty days from the time of its approval by the mayor or the time of its passage over his veto, as the case may be; and if during said thirty days, a petition signed by electors of the city equal in number to at least ten per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance and if the same is not entirely repealed, the council shall submit the ordinance proposed, to the vote of the electors of the city either at the next general municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the first section of this article (the initiative) and shall be examined and certified by the clerk in all respects as therein provided. If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

THE RECALL.

SECTION 250. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor for such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by qualified electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed,

- cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk, *provided* that the said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence giving the street and number. One of the signers of each such paper shall make oath before an officer qualified to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days after the date of filing such petition the city clerk shall examine and from the great register and certificates of registration ascertain whether or not said petition is signed by the requisite number of qualified and registered electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the city clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days, nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.
- Signatures to petition.** The council shall make or cause to be made, publication of notice and all arrangements for the holding of such election, and the same shall be conducted, returned and the result thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination.
- Clerk to examine petition.** In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.
- Amended petition.** Failure to qualify.
- Publication of notice and election.** Special election.
- ~ If any special election be ordered, held and conducted, it shall be ordered, held and conducted (except as to date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

SEC. 261. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed and he shall enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter at least ten days prior to the election, but the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

Submitted ordinances to be mailed to electors.

ARTICLE XXII.

MISCELLANEOUS PROVISIONS.

SECTION 262. The word "city" wherever it occurs in this charter, means the City of Riverside; and every commissioner, commission, department, board, officer or employee, wherever mentioned in this charter, means the commissioner, commission, board, officer or employee, as the case may be, of the City of Riverside. The word "council" or "city council" when used in relation to the legislative department of this city means the common council.

Definition.

SEC. 263. The fiscal year mentioned in this charter shall commence on the first day of July and end on the thirtieth day of June following.

Fiscal year.

SEC. 264. All city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect, until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not be lost or impaired or discharged thereby. And all contracts of the city or any of its departments or officers, in progress, begun or in existence at the time of the taking effect of this charter and not inconsistent therewith, are hereby preserved and shall continue to be valid and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

Present ordinances continued in force.

SEC. 265. No business of, or pending before any officer or department of the city at the time this charter takes effect, shall be discontinued or abandoned by reason thereof, but the same may be carried on and completed by or before the proper officer or department herein provided for.

Present business continued.

SEC. 266. This charter shall go into effect for all election purposes, for the purposes of taxation and for the purposes of the board of city accounting, as provided in Article V, Chapter 3, Section 100, on the day of its adoption by the legislature, and for all other purposes, unless otherwise herein provided, at ten o'clock A. M., on the second Monday after the second Tuesday in May, in the year nineteen hundred seven.

When charter to go into effect.

When charter to go into effect.

SEC. 267. In the event that this charter is not ratified and approved by the thirty-seventh session of the legislature of the State of California, but is ratified by the thirty-eighth session thereof, then the date at which this charter goes into effect, all the dates of the first, second and third general municipal elections and all dates of the commencement and ending of terms of officers and of their appointment, and of the first meetings of boards shall be set forward two years from the said dates as specified in this charter.

CERTIFICATE.

Certificate of board of freeholders.

WHEREAS, The City of Riverside, a city containing a population of more than three thousand five hundred inhabitants, did on the ninth day of October, in the year of our Lord nineteen hundred and six, at a special election and under and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, that in pursuance of said provisions of the constitution, the said board of freeholders has prepared and does propose the foregoing articles signed in duplicate, as and for the charter of the said City of Riverside.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Riverside, in the State of California, this thirty-first day of December, in the year of our Lord nineteen hundred six.

S. C. EVANS JR., President.
 J G BAIRD
 L. A. BRUNDIGE
 S. J. CASTLEMAN
 E A CHASE
 W. B. CLANCY
 L. H. EDMISTON
 W G FRASER
 L GILL
 W. P. GULICK
 JAMES MILLS
 C. L. McFARLAND.
 W. A. PURINGTON
 J A SIMMS
 W. L. PETERS, Secretary.

STATE OF CALIFORNIA, }
 COUNTY OF RIVERSIDE, } ss:
 CITY OF RIVERSIDE. }

Certificate of city clerk.

I, C. R. Stibbens, Clerk of the City of Riverside, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the City of Riverside, prepared and proposed by a duly qualified board of freeholders, duly elected on the ninth day of October, A. D. nineteen hundred and six; and that a copy of said charter was duly filed with the pres-

ident of the Board of Trustees of the City of Riverside on the thirty-first day of December, A. D. nineteen hundred and six, said copy having been duly signed by all of the members of said Board; that another copy, signed by all of the members of said Board, was on the thirty-first day of December, A. D. one thousand nine hundred and six, duly filed with the Recorder of the County of Riverside; that thereafter said proposed charter was duly published in two daily newspapers of general circulation in said City of Riverside for at least twenty days, and the first publication thereof was made within twenty days after the completion of the said charter; and that within not less than thirty days after such publication, said charter was duly submitted to the qualified electors of said city at a special election called therefor, said election being held on Friday, the first day of March, A. D. nineteen hundred and seven, and that at said election a majority of such qualified electors voting thereat duly ratified the same.

And I further certify that said City of Riverside is a city containing a population of more than three thousand five hundred inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Riverside this second day of March, A. D. nineteen hundred and six.

[SEAL.]

C. R. STIBBENS

Clerk of the City of Riverside.

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said Charter of the City of Riverside as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the Charter of said City of Riverside aforesaid.

Approval
by leg-
islature.

CHAPTER 26.

Senate Concurrent Resolution No. 19, approving four certain amendments to the charter of the City of Oakland, in Alameda county, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the first day of March one thousand nine hundred and seven.

[Adopted March 9, 1907.]

WHEREAS, The City of Oakland, in the County of Alameda, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine 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

Amend-
ments to
charter of
City of
Oakland.
Preamble.

Preamble. of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose in manner, form and substance as required by law, and approved by the legislature of the State of California, and said charter has not been amended at any time less than two years; and

WHEREAS, The legislative body and authority of the City of Oakland, in Alameda county, California, that is to say, the council of the City of Oakland, did, by ordinance No. 2544, passed and adopted by said council on the twenty-fourth day of December one thousand nine hundred and six, and approved by the mayor of said city subsequently thereto and on the twenty-fourth day of December one thousand nine hundred and six, and pursuant to section eight of article eleven of constitution of the State of California, duly propose to the qualified electors of the said City of Oakland, four certain amendments to the charter of the said City of Oakland, to be submitted to the said qualified electors at a special election to be held in said city on March first one thousand nine hundred and seven, which said amendments were and are in the words and figures following, to wit:—

That a new subdivision be added to section thirty-one (31) of said charter to be known as subdivision fifty-one (51) thereof, the same to read as follows:

Destruction of garbage.

“51. To establish, acquire, construct, purchase, complete, conduct, and manage suitable devices, apparatus, machinery, and property, both real and personal, for collection, removal, and destruction, by incineration or otherwise, or for collection or removal or destruction as aforesaid either within or without the City of Oakland, of garbage and waste matters, created, produced, or accumulated at any place in City of Oakland, and provide for maintenance thereof.”

This amendment to section thirty-one (31) as herein proposed shall be and shall be known and designated as amendment No. One (1) to the charter of the City of Oakland, County of Alameda, State of California.

That section eighty-eight (88) of said charter be amended to read as follows, to wit:

Street improvements.

“Section 88. The act of the legislature of the State of California, entitled ‘An act to provide for laying out, opening, extending, widening, straightening, or closing up in whole, or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose,’ approved March 6th, 1889, and such other acts of the legislature as may be thereafter enacted amendatory thereof, or supplemental thereto, are hereby adopted as and declared to be a part of this charter.”

This amendment last aforesaid herein proposed, shall be and shall be known and designated as “Amendment No. Two (2) to the charter of the City of Oakland, State of California.”

Certain sections repealed.

That sections eighty-nine (89), ninety (90) and ninety-one (91); ninety-two (92), ninety-three (93), ninety-four (94), ninety-five (95), ninety-six (96), ninety-seven (97), ninety-

eight (98), ninety-nine (99), and one hundred (100) of said charter be, and the same are repealed.

This amendment last aforesaid herein proposed shall be and shall be known and designated as "Amendment No. Three (3) to the charter of the City of Oakland, State of California."

That section number one hundred and forty-seven (147) of said charter be amended to read as follows:

"Section 147. The assessment of property within the City of Oakland, or assessable by the city made by the city assessor of City of Oakland and the state board of equalization shall be the basis of taxation for the city."

Basis of
taxation.

This amendment last aforesaid herein proposed shall be and shall be known and designated as "Amendment Number Four (4) to the charter of the City of Oakland, State of California."

AND WHEREAS, Said proposed amendments were, and each of them was published in a daily newspaper, printed and published in said city, and of general circulation in said city, to wit, the "Oakland Enquirer," for twenty (20) days; and

WHEREAS, Thereafter the said council of the City of Oakland, did, by an ordinance known as Number 2560, which was duly passed and adopted by said council on the eleventh day of February one thousand nine hundred and seven, order the holding of a special election in said City of Oakland, in county of Alameda, California, on the first day of March one thousand nine hundred and seven, (which last named day was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation, in said City of Oakland, to wit, the "Oakland Enquirer"), and did provide in said ordinance for the submission of said proposed amendments to the said charter, to the qualified electors of said city, for their ratification at said special election, which said ordinance was approved by the mayor of said city on the fourteenth day of February one thousand nine hundred and seven, and was published in the manner and for the time required by law; and

WHEREAS, Said amendments were submitted as aforesaid to the qualified electors of said city, at said special election, previously duly called and thereafter held therein (at least forty (40) days after the publication of said proposals for twenty (20) days in a daily newspaper of general circulation in said City of Oakland, to wit, in the "Oakland Enquirer"), on the first day of March one thousand nine hundred and seven; and

WHEREAS, At such special election more than a majority of the qualified electors voting thereon at such special election, did vote in favor of and in favor of the ratification of and did ratify each one and all of said proposed amendments to said charter; and

WHEREAS, The said council of the City of Oakland, in county of Alameda, California, at a meeting thereof held on Monday, the fourth day of March one thousand nine hundred and seven, duly canvassed the returns of said election, and duly found, determined and declared that more than a majority of such qualified electors voting thereon at said election, had

voted for and ratified each and all of the said proposed amendments to said charter; and

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the legislature of the State of California, for approval or rejection as a whole.

STATE OF CALIFORNIA,
 COUNTY OF ALAMEDA. } ss:
 CITY OF OAKLAND. }

Certificate
 of mayor
 and city
 clerk.

This is to certify that we, Frank K. Mott, mayor of the City of Oakland, and Frank R. Thompson, clerk of the City of Oakland, have compared the foregoing proposed and ratified amendments to the charter of the City of Oakland with the original ordinance proposing such amendments and submitting the same to the qualified electors of said City of Oakland, at a special election called for that purpose, on Friday, the first day of March one thousand nine hundred and seven, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the matters set forth herein, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Oakland to be attached, this fourth day of March one thousand nine hundred and seven.

FRANK K. MOTT

Mayor of the City of Oakland.

[SEAL.]

FRANK R. THOMPSON

City Clerk of the City of Oakland.

Now therefore, be it

Approval
 by legis-
 lature.

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the said charter of said City of Oakland, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said City of Oakland, be, and the same are hereby approved as a whole for, and as amendments to the said charter of said City of Oakland.

CHAPTER 27.

Senate Constitutional Amendment No. 1. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end amending sections one, nine, ten and eleven of article thirteen and adding to article thirteen two new sections to be numbered sections fourteen and fifteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

[Adopted March 9, 1907.]

WHEREAS, It is deemed desirable to ultimately separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The Legislature of the State of California, at its regular session, commencing the seventh day of January, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First. Sections one, nine, ten and eleven of article thirteen are hereby amended so as to read:

SECTION 1. All property in the state except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county or municipal corporation within this state shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

SEC. 9. A state board of equalization, consisting of one member from each congressional district in this state, as the same existed in the year eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand nine hundred and ten, and at each gubernatorial election thereafter, whose term of office shall be for four years. The controller of state shall be ex-officio a member of the board. Said board shall be the successor of the present state board of equalization whose members shall continue in office until their successors, as herein provided for, shall be elected and shall qualify.

Revenue
and
taxation.

Property,
how taxed.

"Prop-
erty"
defined.

What is
exempt.

State board
of equal-
ization.

The legislature shall have power to redistrict the state into four districts, as nearly equal in population as practical, and to provide for the election of members of said board of equalization. It shall be the duty of said board to assess and levy the taxes provided for in section fourteen of this article and to perform such other duties in relation to taxation as this constitution or the legislature may prescribe. The boards of supervisors of the several counties of the state shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purposes of taxation. Such county boards of equalization are hereby authorized and empowered, under such rules of notice as they may prescribe, to raise or lower any assessment contained in the assessment roll so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll. But no board of equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credit, above its face value.

Duty of board.

County boards.

Where property shall be assessed.

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

Income taxes.

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this state, except those provided for in subdivisions (a), (b) and (c) of section fourteen of this article, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

Second. There is hereby added to article thirteen two new sections to be numbered fourteen and fifteen and to read as follows:

Taxes exclusively for state purposes.

SEC. 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this state; every company doing express business on any railroad, steamboat, vessel or stage line in this state; telegraph companies, telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies, banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations. All property, not exempt from taxation, except those classes of property enumerated in this section, shall be subject to assessment and taxation, in the manner provided by law, for county, city and county, city, town, township, and

Property subject to local taxes.

district purposes. *Provided*, that until the year 1914 the state shall reimburse San Bernardino, Placer and Yuba counties for the net loss in county revenues occasioned by the withdrawal of railroad property from county taxation.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property used in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state. 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 agreed to be paid or required by law to be paid for any special privilege or franchise granted by the municipal authorities of this state.

State tax
on rail-
road cor-
porations.

How
computed.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent.

Per-
centages.

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

State tax
on insur-
ance com-
panies.

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

Capital
stock of
banks.

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

Capital of
unincor-
porated
banks.

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

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

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies. "Banks" defined.

(d) Every corporation incorporated under the laws of this state, excepting the corporations mentioned in the preceding subdivisions of this section, and excepting all educational, religious and charitable corporations and all corporations which are not organized for pecuniary profit, shall pay an annual tax to the state upon its franchise to be a corporation, and every corporation incorporated elsewhere and doing business in this state, other than the corporations mentioned in the preceding subdivisions of this section, shall pay an annual tax to the state upon its right to do business in this state, as follows: When the authorized capital stock of the corporation does not exceed ten thousand dollars (\$10,000) the tax shall be ten dollars (\$10.00); when the authorized capital stock exceeds ten thousand dollars (\$10,000) but does not exceed twenty thousand dollars (\$20,000) the tax shall be fifteen dollars (\$15.00); when the authorized capital stock exceeds twenty thousand dollars (\$20,000) but does not exceed fifty thousand dollars (\$50,000) the tax shall be twenty dollars (\$20.00); when the authorized capital stock exceeds fifty thousand dollars (\$50,000) but does not exceed one hundred thousand dollars (\$100,000) the tax shall be twenty-five dollars (\$25.00); when the authorized capital stock exceeds one hundred thousand dollars (\$100,000) but does not exceed two hundred and fifty thousand dollars (\$250,000) the tax shall be fifty dollars (\$50.00); when the authorized capital stock exceeds two hundred and fifty thousand dollars (\$250,000) but does not exceed five hundred thousand dollars (\$500,000) the tax shall be seventy-five dollars (\$75.00); when the authorized capital stock exceeds five hundred thousand dollars (\$500,000) but does not exceed two million dollars (\$2,000,000) the tax shall be one hundred dollars (\$100.00); when the authorized capital stock exceeds two million dollars (\$2,000,000) but does not exceed five million dollars (\$5,000,000) the tax shall be two hundred dollars (\$200.00); when the authorized capital stock exceeds five State tax on other corporations.

million dollars (\$5,000,000) the tax shall be two hundred and fifty dollars (\$250.00).

Franchises.

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

Provisions of section self-executing.

(f) All the provisions of this section shall be self-executing, but the legislature may pass all laws necessary to carry this section into effect. The taxes herein provided for shall be levied and assessed on the first Monday in March of each year after the adoption of this amendment and shall become due and payable on the first Monday in June thereafter. The gross earnings and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the date of said levy. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature.

Actions to enjoin collection of tax.

SEC. 15. No suit, action, or proceeding shall ever be maintained in any court against this state, or against any officer thereof, to have any tax, levied under the provisions of this article, declared invalid or to prevent or enjoin the collection thereof until such tax has been actually paid; but after such payment, action may be maintained to recover any tax illegally collected in such manner and within such time as may now or hereafter be provided by law.

Sec. 16 of Art. XI repealed.

Third. Section ten of article eleven of said constitution is hereby repealed.

CHAPTER 28.

Senate Constitutional Amendment No. 32. A resolution to propose to the people of the State of California an amendment to the constitution of the state, by adding a new section thereto to be numbered section 23a of article four thereof, relating to limitation of the expense of employes of the senate and assembly.

[Adopted March 11, 1907.]

The legislature of the State of California, at its regular session, commencing on the seventh day of January, nineteen hundred and seven, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that a new section be added to the Constitution of the State of California to be numbered section twenty-three *a* of article four thereof to read as follows:

Section 23a. The legislature may also provide for the employment of help; but in no case shall the total expense for officers, employés and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employé or attaché be increased after he is elected or appointed.

Expense of employés of legislature.

CHAPTER 29.

Senate Concurrent Resolution No. 16, relative to the consent of the legislature to the absence of lieutenant-governor, Hon. Warren R. Porter, lieutenant-governor of the State of California, for more than sixty (60) days.

[Adopted March 11, 1907.]

Resolved by the Senate, the Assembly concurring, That the legislature of the State of California has consented, and does hereby consent, that the Honorable Warren R. Porter, lieutenant-governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty (60) days; provided, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.

Leave of absence of Lieutenant-Governor W. R. Porter.

CHAPTER 30.

Senate Concurrent Resolution No. 17, relative to the consent of the legislature to the absence of his excellency, Hon. James N. Gillett, governor of the State of California, for more than sixty (60) days.

[Adopted March 11, 1907.]

Resolved by the Senate, the Assembly concurring, That the legislature of the State of California has consented, and does hereby consent, that his excellency James N. Gillett, governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty (60) days; provided, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.

Leave of absence of Governor James N. Gillett.

CHAPTER 31.

Senate Constitutional Amendment No. 31. A resolution to propose to the people of the State of California the amendment of section 26 of Article IV of the Constitution of said state, relating to lotteries and to fictitious sales of corporate stock, etc.

[Adopted March 14, 1907.]

Resolved by the Senate, the Assembly concurring, That the legislature of the State of California, at its regular session commencing on the 7th day of January 1907, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that section 26 of article IV of the constitution of the State of California be amended so as to read as follows:

Lotteries
and
gambling
in stocks
pro-
hibited.

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

CHAPTER 32.

Senate Concurrent Resolution No. 3. Resolution relative to the appointment of committees to investigate and report upon the conditions of the harbors of the state.

[Adopted March 11, 1907.]

WHEREAS, The constantly increasing commerce of the ports of California demand greater facilities for the handling of shipping; and

WHEREAS, The interests of the entire state are affected by the harbors of the state; be it

Committee
to investi-
gate con-
dition of
harbors.

Resolved. That a special committee of six members be appointed from the legislature of the State of California, consisting of three members from the senate to be appointed by the president thereof, and three members from the assembly

to be appointed by the speaker thereof, to investigate the conditions of the harbors of the state and to make recommendations for legislation necessary to be enacted at the next session of the legislature.

Resolved, That it is the sense of the legislature that the report should be comprehensive in all respects and that it should include not only existing conditions and facilities but also recommendations for financing future permanent improvements. Scope of report

Resolved. That the said joint committee shall have the power to subpoena witnesses and to send for persons and papers and to issue subpoenas when necessary. Power.

Resolved. That the necessary traveling and incidental expenses of said joint committee shall be paid out of the contingent expenses of the respective houses. Expenses.

CHAPTER 33.

Senate Concurrent Resolution No. 20.

[Adopted March 14, 1907.]

Resolved by the Senate, the Assembly concurring, That leave of absence from the state, for a longer period than sixty days be granted to Senators Henry E. Carter, Henry M. Willis, H. A. Broughton, A. Caminetti, W. F. Price, F. W. Leavitt, E. I. Wolfe, J. B. Curtin, H. S. G. McCartney, G. T. Rolley, Gus Hartman, Abner Weed, L. A. Wright, J. N. Anderson, J. B. Sanford, R. J. Welch, C. W. Bell, W. H. Savage, Marshall Black, G. W. Cartwright, J. B. Irish, J. G. Mattos Jr., F. A. Markey, C. B. Greenwell, T. J. Kennedy, D. J. Reily, E. O. Miller, B. F. Rush and C. M. Belshaw. Leaves of absence for sundry senators

CHAPTER 34.

Senate Concurrent Resolution No. 21.

[Adopted March 14, 1907.]

Resolved by the Senate, the Assembly concurring, That George I. Cochran, a trustee of the State Normal School at Los Angeles, be granted a leave of absence from the state for a period longer than sixty days. Leave of absence for George I. Cochran.

CHAPTER 35.

Senate Constitutional Amendment No. 16. A resolution to propose to the people of the State of California, an amendment to the constitution of the state, by amending section 2 and 23 of article four thereof, relating to the length of legislative sessions, the compensation of members of the legislature, and limiting the expense of employees of the senate and assembly.

[Adopted March 14, 1907.]

The legislature of the State of California, at its regular session, commencing on the seventh day of January, in the year one thousand nine hundred and seven, two thirds of all the members elected to each of the houses of said legislature, voting in favor thereof, hereby propose that section two and twenty-three of article four of the constitution of the State of California, be amended so as to read as follows:

Legisla-
tive
sessions.

Section 2. The sessions of the legislature shall commence at twelve o'clock m. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880, shall be biennial, unless the governor shall, in the interim, convene the legislature by proclamation. No bill shall be introduced in either house forty days after the commencement of each session without the consent of three fourths of the members thereof.

Pay of
members
of legis-
lature.

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

Expense
for
employees.

CHAPTER 36.

Senate Joint Resolution No. 13.

[Adopted March 14, 1907.]

WHEREAS, Under the provisions of an act of congress entitled "An act to create the California debris commission and regulating hydraulic mining in the State of California, approved March 1st, 1893, certain works intended to restrain mining debris are contemplated to be constructed on certain rivers and their respective tributaries draining the territory tributary to the Sacramento and San Joaquin river systems in the State of California;

Preamble
relative to
mining
debris

WHEREAS, Though over twelve years have passed since the passage of said act, only the barriers provided for certain places on the Yuba river, have been commenced;

WHEREAS, There has been ever since the passage of said act, urgent and absolute need for the construction of barriers, or other works, intended to restrain debris of like character with those now in course of construction on the Yuba river, on all the remaining rivers and their respective tributaries upon which under the provisions of said act, it is contemplated to construct such works;

WHEREAS, Such works are extensive in character, and their construction must of necessity be in sections, thus requiring, as the Yuba system has shown, many years for their completion;

WHEREAS, The construction in sections of such barriers and works simultaneously, or as nearly so as practicable, on all such rivers and their respective tributaries as contemplated by said act, would be of incalculable benefit to the river interests and to the mining industry of the state. Therefore be it

Resolved, by the Senate and Assembly jointly, That we respectfully urge upon the congress of the United States, the enactment of such laws as will permit the construction of such barriers and works as are contemplated by said act, in sections, to the end that the protection provided therein shall be made possible at the earliest possible date, on all the said rivers and their respective tributaries; and we further respectfully urge the making by congress of necessary appropriations to carry out the purposes of said act; be it further

Construction of
barriers
to permit
hydraulic
mining.

Resolved, That our senators and representatives in congress be and they are hereby requested to use all honorable means to secure the legislation and appropriations hereinabove referred to; be it further

Resolved, That the governor of California be and he is hereby requested to transmit a copy of these resolutions to each of our senators and representatives in congress, to the respective houses of congress and to the secretary of war.

CHAPTER 37.

Senate Constitutional Amendment No. 14. A resolution to propose to the people of the State of California, an amendment to the constitution of the State of California, amending section nineteen of article five of said constitution, relating to the compensation of state officers.

[Adopted March 14, 1907.]

The legislature of the State of California, at its regular session commencing on the seventh day of January, A. D. nineteen hundred and seven, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section nineteen of article five of the constitution of the State of California, be amended so as to read as follows:

Salaries of
state
officers.

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

CHAPTER 38.

Senate Concurrent Resolution No. 15, relative to creating a special legislative committee to inspect sites for state rifle ranges, and to report thereon at the next session of the legislature.

[Adopted March 14, 1907.]

Resolved by the Senate, the Assembly concurring, That a special committee of the 37th session of the legislature, to consist of two senators, to be appointed by the president of the senate, and of three assemblymen, to be appointed by the speaker of the assembly, is hereby created, and authorized and empowered to inspect, investigate, and, at the next session of the legislature, report upon, at least three sites suitable for state rifle ranges in the State of California, as nearly as may be, as follows:

(a) One each near the respective center of population in the northern, central and southern section of the state;

(b) One each in the mountain, valley and coast regions of the state;

(c) Consideration shall be given to access to such site by water, rail or highway.

Sites for rifle ranges, committee to inspect.

CHAPTER 39.

Senate Constitutional Amendment No. 33. A resolution to propose to the people of the State of California an amendment to the constitution of said state, amending Article XII thereof, by amending Section III thereof, relating to the liability of stockholders of a corporation or joint-stock association.

[Adopted March 14, 1907.]

The legislature of the State of California at its thirty-seventh session, commencing the seventh day of January, 1907, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that Article XII of the constitution of the State of California be amended by amending section 3 thereof, so as to read as follows:

Section 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association, during the term of office of such director or trustee.

Liability of stockholders in corporations.

Exposition
com-
panies.

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

CHAPTER 40.

Senate Constitutional Amendment No. 29. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 1, of article 16 thereof, relating to state indebtedness.

[Adopted March 14, 1907.]

Resolved by the Senate, the Assembly concurring, That the legislature of the State of California at its regular session commencing on the 7th day of January, 1907, two thirds of all members elected to each of the houses of said legislature voting in favor thereof, hereby propose that Section 1 of Article 16 of the constitution of the State of California be amended so as to read as follows:

ARTICLE XVI.

STATE INDEBTEDNESS.

State
indebt-
ness.

SECTION 1. The legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy-five years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only

to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein throughout the state for three months next preceding the election at which it is submitted to the people. The legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

CHAPTER 41.

Senate Joint Resolution No. 12.

[Adopted March 14, 1907.]

WHEREAS, The mining industry is annually adding nearly two billions of dollars to the wealth of the United States, and is furnishing employment to more than half a million men directly engaged in the mining industry, as well as furnishing the material absolutely necessary to the employment of a still larger additional number of men, and

Preamble
relative to
mining
industry.

WHEREAS, The loss of life (being 3.53 per 1000 in coal mining operations in the United States as against 1.35 per 1000 in England) through a lack of proper precautions in mining operations, over which but little, if any, supervision is exercised, is a disgrace to the government, from which the man is supposed to have greater consideration than the dollar, and

WHEREAS, The product of the mine, when exhausted, cannot be replaced, and

WHEREAS, The enormous waste of metal resources, through the application of unscientific methods of mining and treatment, and the enormously extravagant waste of fuel, through both carelessness and unscientific methods, is a menace to our future industrial growth, and

WHEREAS, The United States is the only English-speaking nation in which this important industry receives relatively such small consideration,

Therefore, be it resolved, by the Senate and Assembly of the State of California, concurring jointly, That we urge upon the congress of the United States the importance of the creation of a department of mines, with its head a member of the president's cabinet, through which human life may receive protection, and the mineral resources may be conserved, and production increased through governmental control and the application of scientific methods, and

Depart-
ment
of mines,
creation
of by
congress.

Be it further resolved, That a copy of these resolutions be forwarded to the senate and the house of representatives of the United States, and to each of our representatives in the United States congress, and that the governor of this state be instructed to communicate with the president of the United

States, requesting his coöperation in bringing about the creation of a department of mining, through which the mining industry may receive that governmental recognition and assistance to which it is entitled as one of the two great productive industries of this country.

CHAPTER 42.

Assembly Concurrent Resolution No. 21, relative to work done by the Outdoor Art League for the five per centum bill.

[Adopted March 14, 1907.]

Preamble
relative to
work of
California
Club.

WHEREAS, The Outdoor Art League of San Francisco, department of the California Club, was invited by government officials representing the State of California in Washington, to work for the passage of a bill collecting from the government of the United States for the State of California five per cent on the cash sales of all lands belonging to the public domain within the borders of the state, which percentage from said sales has been accorded by the government of the United States to all states having part of the public domain within their borders, at the times they were respectively admitted to the Union, and which percentage was under the provisions of the constitution of the State of California to become when collected a part of the permanent school fund of the state; and

WHEREAS, The Outdoor Art League, an organization composed of patriotic women, having acceded to said request to supplement the efforts of our representatives at Washington, made a national campaign, and expended time, energy and money in arousing the interest and coöperation of governors of states, and presidents of universities and colleges throughout the country; and

WHEREAS, Through the untiring efforts and influence of said league, the five per centum bill was passed by the congress on the 19th day of June, 1906, thereby bringing approximately one million dollars into the state treasury to be used as a permanent fund for the benefit of the common schools of the state; now, therefore,

Resolution
of appre-
ciation.

Resolved, by the Assembly, the Senate concurring, That the California Legislature of 1907, in regular session, does hereby extend a resolution of appreciation of work accomplished by the California Outdoor Art League of San Francisco in the cause of education in the State of California; be it, likewise, further

Resolved, That a copy of this resolution be properly engrossed and forwarded to said organization.

CHAPTER 43.

Assembly Constitutional Amendment No. 24. A resolution to propose to the people of the State of California, an amendment to the constitution of the state, by amending section seven of article nine thereof, relating to boards of education.

[Adopted March 14, 1907.]

The legislature of the State of California, at its regular session, commencing on the seventh day of January, one thousand nine hundred and seven and two thirds of all the members elected to each of the houses of legislature voting in favor thereof, hereby proposes that section seven of article nine of the constitution of the State of California be amended so as to read as follows:

Section 7. The state board of education shall consist of the following members:

1. The governor.
2. The superintendent of public instruction.
3. A representative of the state university, selected by the president thereof.
4. A representative of the Leland Stanford Jr. University, selected by the president thereof.
5. A representative of the state normal schools, selected by the presidents thereof.
6. A practical business man, not directly connected with any school, selected by the governor.
7. A representative of the rural schools, selected by the county superintendents at the superintendents' biennial convention.
8. A representative of the city schools, selected by the city superintendents at the superintendents' biennial convention.
9. A representative of the polytechnic schools, selected by the principals of the polytechnic high schools receiving state aid.

State board of education, of whom shall consist.

The state board of education shall compile or adopt a uniform system of text-books for use in the day and evening elementary schools throughout the state; and shall perform such other duties as may be prescribed by law. The legislature shall provide for the printing and publishing of such text-books, when adopted, by the superintendent of state printing at the state printing office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years. The legislature shall provide for a board of education in each county in the state. The county superintendents and the county boards of education shall have exclusive control of the examination of teachers, and the granting of teachers' certificates within their respective jurisdiction.

Uniform system of text-books.

CHAPTER 44.

Assembly Concurrent Resolution No. 22, relative to consent of the legislature to the absence of the state controller, A. B. Nye, from the state for a period not to exceed three months.

[Adopted March 14, 1907.]

Leave of
absence of
A B Nye.

Resolved by the Assembly, the Senate concurring, That the legislature of the State of California has consented, and does hereby consent, that the state controller of the State of California, A. B. Nye, may depart from the State of California at any time during the remainder of his official term, and may remain absent for a period not to exceed three months from and immediately succeeding the time of his departure.

CHAPTER 45.

Assembly Concurrent Resolution No. 25.

[Adopted March 14, 1907.]

Leaves of
absence of
sundry
assembly-
men.

Resolved by the Assembly, the Senate concurring, That leave of absence from the state for a period longer than sixty days is hereby granted to the following assemblymen:— Grove L. Johnson of Sacramento, J. P. Transue, P. A. Stanton, W. R. Leeds, P. V. Hammon, Henry Thompson, R. L. Beardslee, P. F. Cogswell, W. F. Lemon, P. W. Forbes, H. W. A. Weske, Geo. L. Sackett, E. J. Lynch, Gideon S. Case, H. C. Lucas, E. S. Birdsall, Arthur E. Percival, Edward I. Butler, Fred E. Pierce, W. F. Ludington, Geo. W. Root, C. C. Spalding, Frank R. Devlin, Guy W. Smith, Frank Otis, N. W. Thompson, J. W. Finney, F. J. O'Brien, J. O. Davis, P. C. Campbell, John W. Stetson.

CHAPTER 46.

Assembly Constitutional Amendment No. 28. A resolution to propose to the people of the State of California an amendment to section 16 of article 4 of the constitution in relation to the approval and return of bills by the governor and the exercise of the veto power.

[Adopted March 14, 1907.]

Resolved by the Assembly, the Senate concurring, That the legislature of the State of California, at its thirty-seventh session, commencing on the 7th day of January, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof,

hereby proposes that section 16 of article 4 of the constitution of the State of California, be amended so as to read as follows:

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

Approval
and return
of bills by
governor
and ex-
ercise of
veto
power.