

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CONSTITUTION

PASSED AT THE

EXTRA SESSION OF THE THIRTY-NINTH LEGISLATURE

1911

**BEGAN ON MONDAY, NOVEMBER TWENTY-SEVENTH, AND ENDED ON SUNDAY, DECEMBER
TWENTY-FOURTH, NINETEEN HUNDRED AND ELEVEN**



SACRAMENTO

FRIEND WM. RICHARDSON - - - SUPERINTENDENT STATE PRINTING

1912



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LIST OF OFFICERS.

STATE OFFICERS.

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

STATE BOARD OF EQUALIZATION.

Capitol, Sacramento.

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

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San Francisco.

Name.	District.	Residence.
Alex. Gordon	First	Sacramento
H. D. Loveland	Second	San Francisco
J. M. Esbrennon	Third	El Centro
Charles B. Darrick	Secretary	Palo Alto

SUPREME COURT.

Wells-Fargo 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
Henry A. McElrin	Associate Justice	Oakland
F. M. Angellott	Associate Justice	San Rafael
Lucien Shaw	Associate Justice	Los Angeles
William G. Lorigan	Associate Justice	San Jose
B. Grant Taylor	Clerk	San Jose

STATE OFFICERS—Continued

JUSTICES OF THE DISTRICT COURTS OF APPEAL

FIRST APPELLATE DISTRICT.

Wells-Fargo Building, San Francisco.

Name.	Official Position.	Residence.
Thomas J. Lennon.....	Presiding Justice	San Rafael
Frank H. Kerrigan.....	Justice	San Francisco
Samuel P. Hall.....	Justice	Oakland
P. J. Hayselden.....	Clerk	Oakland

SECOND APPELLATE DISTRICT.

Bullard Block, Los Angeles.

Name.	Official Position.	Residence.
Matthew T. Allen.....	Presiding Justice	Los Angeles
Victor G. Shaw.....	Justice	San Diego
William P. Jones.....	Justice	Los Angeles
W. D. Shearer.....	Clerk	Los Angeles

THIRD APPELLATE DISTRICT.

Capitol, Sacramento.

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

SENATORS—THIRTY-NINTH SESSION, 1911.

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

Name	Party	Dist.	Address
Avey, J. J.	Republican	30	Reilands
Boban, D. J.	Republican	24	1248 Broadway st., San Francisco
Bell, C. W.	Republican	30	Pasadena
Bills, Chas. B.	Republican	7	390 M st., Sacramento
Bricell, E. S.	Republican	3	Anburn
Huck, Marshall	Republican	28	Palo Alto
Boynton, A. E.	Republican	6	Oroville
Bryant, E. F.	Republican	20	305 North ave., San Francisco
Burnett, Lester G.	Republican	25	206 Humboldt Bank Building
Caminetti, A.	Democrat	10	Jackson
Campbell, A. F.	Democrat	31	San Luis Obispo
Cartwright, Geo. W.	Democrat	26	Fresno
Cassidy, John J.	Republican	22	135 Seventh ave., San Francisco
Curtin, J. B.	Democrat	12	Sonora
Cutten, Charles P.	Republican	1	Fireka
Estudillo, Miguel	Republican	39	Riverside
Finn, Thos. F.	R. and U. I.	17	961 Howard st., San Francisco
Gates, Leo O.	Republican	31	907 Manhattan place, Los Angeles
Hans, George J.	Republican	14	Fruitvale
Hare, John P.	D. and U. I.	23	38 Sheridan st., San Francisco
Hewitt, Leslie H.	Republican	38	1212 S. Alvarado st., Los Angeles
Holohan, James B.	Democrat	29	Watsonville
Hurl, H. M.	Republican	37	Los Angeles
Julliard, I. W.	Democrat	8	Santa Rosa
Larkins, F. O.	Republican	32	Visalia
Lewis, John T.	Republican	11	Stockton
Martinelli, E. B.	Republican	9	San Rafael
Regan, D. P.	Republican	18	1218 Market st., San Francisco
Roseberry, Louis H.	Republican	33	Santa Barbara
Rush, Benj. F.	Republican	5	Suisun
Sanford, J. B.	Democrat	4	Ukiah
Shanahan, T. W. H.	Democrat	3	Redding
Statson, John W.	Republican	15	Oakland
Strobridge, Ed. K.	Republican	13	Hayward
Thompson, Newton W.	Republican	35	Alhambra
Tyrrall, Edward J.	Republican	16	961 Kirkham st., Oakland
Walker, Geo. S.	Republican	27	East San Jose
Wald, Richard J.	R. and U. I.	19	1017 Shorwell st., San Francisco
Wolfe, Edward L.	R. and U. I.	21	708 Ashbury st., San Francisco
Wright, Leroy A.	Republican	40	San Diego

MEMBERS OF THE ASSEMBLY—THIRTY-NINTH SESSION.

A. H. HEWITT, of Yuba City.....Speaker
 H. G. CATTLE, of Pasadena.....Speaker pro tem.
 J. B. MALLORY, of Los Gatos.....Chief Clerk
 E. H. WHITE, of Sacramento.....Sergeant-at-Arms

Name	Party	Dist.	Address
Beatty, H. N.	Republican	36	414 Fourteenth st., San Francisco
Beckett, John F.	Republican	63	Arroyo Grande
Benedict, H. S.	Republican	72	1739 Church ave., Los Angeles
Bennink, O. O. H.	Republican	70	Ontario
Bishop, Clyde	Republican	77	Santa Ana
Bills, Charles A.	Republican	17	1111 H st., Sacramento
Bohnett, L. D.	Republican	50	San Jose
Drown, Henry Ward	Republican	53	Colma
Butler, E. M.	Republican	70	1198 W. Thirty-fifth st., Los Angeles
Callaghan, R. J.	Republican	48	1111 Eighth st., Oakland
Cattle, H. G.	Republican	67	Pasadena
Chandler, W. F.	Republican	60	Fresno

MEMBERS OF THE ASSEMBLY—Continued.

Name.	Party.	Dist.	Address.
Clark, William C.	Republican	41	51 Montecito ave., Oakland
Coghlan, Nathan C.	Republican	50	533 North Point st., San Francisco
Oogswell, Prescott F.	Republican	68	El Monte
Cronin, John R.	Republican	20	Bonita
Crosby, Sumner	Republican	47	1262 Hawthorne st., Alameda
Cunningham, A.	Republican	28	221 Harrison st., San Francisco
Denegri, D. M.	Republican	45	776 Green st., San Francisco
Farwell, Lyman	Republican	71	2908 S. Figueroa st., Los Angeles
Feeley, T. J.	Republican	34	4047 Eighteenth st., San Francisco
Fitzgerald, George	Republican	49	1424 Fourteenth st., Oakland
Flint, W. R.	Republican	58	Hollister, San Benito County
Freeman, George F.	Republican	78	Corona
Gaylord, E. O.	Republican	10	East Auburn
Gerdes, P. O.	Republican	35	2278 Mission st., San Francisco
Griffin, Thos. F.	Democrat	25	Modesto
Griffiths, W. B.	Republican	15	Monticello, Napa County
Gruhl, Jr., J. H.	Democrat	7	Chico
Hall, Fred H.	Democrat	66	Bakersfield
Hamilton, James W.	Republican	13	Petaluma
Harlan, George H.	Republican	27	Sausalito
Hayes, D. B.	Republican	57	San Jose
Held, W. D. L.	Republican	6	Ukiah
Hewitt, A. H.	Republican	8	Yuba City
Hinkle, E. O.	Republican	70	San Diego
Hinshaw, W. F.	Republican	69	Long Beach
Jasper, Gustavus A.	Republican	3	Fortuna
Jones, M. B.	Republican	23	Martinez
Joel, A.	Republican	42	Mills Building, San Francisco
Judson, Fred E.	Republican	80	R. F. D. No. 1, Escudido
Kehoe, William	Republican	2	Eureka
Kennedy, W. P.	Republican	22	693 Vermont st., San Francisco
Lamb, W. A.	Republican	85	1929 Ocean View ave., Los Angeles
Lynch, Edward J.	Republican	19	Walsh Station, Sacramento County
Lyon, Henry H.	Republican	73	732 Crocker st., Los Angeles
Lyon, W. T.	Democrat	39	320 Sixth ave., San Francisco
Maher, J. B.	Democrat	54	Santa Cruz
Malone, Geo. E.	Republican	1	Dunsmuir
March, John O.	Republican	18	2526 M st., Sacramento
McDonald, W. A.	Republican	31	503 Minnesota st., San Francisco
McGowan, E. H.	Republican	23	520 E. Channel st., Stockton
Mendenhall, John J.	Democrat	12	Williams
Mott, D. W.	Republican	65	Santa Paula
Mullally, J. E.	Republican	29	644 Sherman st., San Francisco
Nolan, F. J. D.	Republican	38	1500 Eddy st., San Francisco
Polsley, Harry	Democrat	5	Red Bluff
Preisker, C. J.	Republican	64	Santa Maria
Randall, O. H.	Republican	74	200 W. Avenue 56, Los Angeles
Rimlinger, D.	Republican	20	165 Third st., San Francisco
Rodgers, F. N.	Republican	43	503 Jones st., San Francisco
Rogers, A. A.	Republican	49	San Leandro
Rosendale, Chas. B.	Republican	50	Saltus
Rutherford, F. M.	Republican	9	Truckee
Ryan, J. J.	Republican	33	3252 Harrison st., San Francisco
Sbragia, V. A.	Republican	44	650 California st., San Francisco
Schmitt, Milton I.	Republican	40	1920 California st., San Francisco
Slater, H. W.	Democrat	14	Santa Rosa
Smith, Frank M.	Republican	51	1459 Twenty-fourth ave., Oakland
Stevens, F. G.	Republican	11	Carson Hill, Calaveras County
Stuckenbruck, J. W.	Democrat	24	Arcampo
Sutherland, W. A.	Republican	61	Fresno
Telfer, Robert J.	Republican	55	San Jose
Tibbits, J. H.	Republican	4	Redding
Walker, Frank J.	Republican	62	Lemoore
Walsh, Edward P.	Democrat	37	19 Boulah st., San Francisco
Williams, Dan E.	Republican	25	Ohinese Camp
Wilson, L. H.	Democrat	10	Winters
Wyllie, G. W.	Republican	27	Dinuba
Young, C. C.	Republican	52	2729 Derby st., Berkeley

PROCLAMATION BY THE GOVERNOR

CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

EXECUTIVE DEPARTMENT,

STATE OF CALIFORNIA.

WIERRAS. An extraordinary occasion has arisen and now exists, requiring that the legislature of the State of California be convened.

Now, therefore, I, Hiram W. Johnson, Governor of the State of California, by virtue of the power and authority in me vested by section 9 of article V of the constitution of the State of California, do hereby convene the legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on *Monday, the twenty-seventh day of November, one thousand nine hundred and eleven, at two o'clock p. m. of that day*, for the following purposes and to legislate upon the following subjects, to wit:

1. To provide for the expression of the choice of the electors of the State of California for president of the United States; and to legislate concerning a presidential preference primary; and to consider and legislate upon the subject of direct primary for president of the United States wherein and whereby the people of the State of California may express their preference for president of the United States, and may by direct vote select delegates to the national conventions which have for their purpose the choosing of candidates for president of the United States; and to do in behalf of the matters and things herein mentioned all that may be deemed necessary and appropriate.

2. To adjust the senatorial and assembly districts of the State of California and to reapportion the representation in the legislature of the State of California, and to divide the state in accordance with section 6 of article IV of the constitution, into senatorial and assembly districts; to adjust the congressional districts of the state and to divide the state in accordance with the act of congress approved August 8th, 1911, into eleven congressional districts; and to redistrict and divide the state into equalization districts in accordance with section 9 of article XIII of the constitution.

3. To enact such modifications of and additions to the election laws of the State of California as may be deemed necessary or expedient to carry out with facility, and effectually and fully, the right of suffrage granted to women by Senate Constitutional Amendment No. 8, adopted by the people October 10, 1911, by which section 1 of article II of the constitution of the State of California was amended; to enact all necessary laws in relation to elections and to registration of electors; to amend the direct primary law of the State of California; and to provide for and to create the office of registrar of voters in the counties where said office is not now provided for or created by law.

4. To provide for the inspection, measurement, and graduation of merchandise, manufactured articles and commodities, and for the appointment of such officers as may be necessary for such inspection, measurement, and graduation.

5. To enact legislation to define the powers and duties of the railroad commission and the powers and duties of public utilities, their officers, agents and employees, and the rights, duties and remedies of patrons of public utilities; and to define offenses by public utilities, their officers, agents and employees, and other persons or corporations, and providing penalties for such offenses, and to make an appropriation to carry out such legislation, and to enact legislation providing the method by which cities and counties or incorporated cities or towns may confer upon the railroad commission or thereafter reinvest themselves with powers of control vested in them over public utilities.

6. To consider and act upon legislation pertaining to irrigation and irrigation district bonds, and to revise and amend the irrigation district act.

7. To consider and act upon an amendment to the constitution of the State of California, whereby free text-books shall be furnished by the state to the school children of the state.

8. To enact laws and pass resolutions concerning the report of the California Debris Commission, transmitted to the speaker of the house of representatives by the secretary of war on the 27th day of June, 1911, and directing the state engineer in relation to surveys and procuring data concerning said report, and directing the

manner of approval of plans of reclamation upon and adjacent to the rivers and streams of California, and to make an appropriation to pay the expenses of the state engineer in the performance of such additional duties as may be imposed, and creating a reclamation board and defining its powers.

9. To place under the charge, control, supervision, direction, and designation of the state board of control all publications of advertisements by any officer, board or commission of the state; and hereafter to have all advertising provided for by any law or advertising that is paid for, or is a charge against the state, controlled, supervised, directed, and designated by the state board of control.

10. To approve or reject the charter of the city of Stockton, adopted by the people of that city at an election held on the 17th day of October, 1911.

11. To approve or reject the charter of the city of Sacramento, adopted by the people of that city at an election held on the 7th day of November, 1911.

12. To amend the law relating to highway commissions in counties so that engineers who are not freeholders of their particular counties may become members of the county highway commissions.

13. To legislate in aid of "An act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards," approved April 8, 1911, by requiring employers, physicians, and insurance companies to report to the industrial accident board all facts relative to the happening, cause, nature and seriousness of accidents under their observation, together with such settlements as are made therefor; and to require the publication and dissemination by the industrial accident board of information and facts acquired by it; and to amend the law relating to interinsurance so as to permit employers to arrange reciprocal or interinsurance among themselves to indemnify one another against loss caused by accidents to their employees.

14. To change, fix, and define the limits and boundaries of Reclamation District 585; and to exclude lands therefrom.

15. To consider and amend an act entitled, "An act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911.

16. To consider and amend the law creating "The Bureau of Building and Loan Supervision," and the "Building and Loan Commissioner," and to enlarge and increase the powers of the building and loan commissioner.

17. To consider and take action upon legislation providing for the manner of exercising the powers of the initiative and referendum by the electors of the several counties, cities and counties, cities and towns and other political subdivisions of the state.

18. To consider and take action upon legislation providing for the manner of exercising the powers of the recall by the electors of the several counties, cities and counties, cities and towns, supervisor districts, school districts, and of other political subdivisions and of other public corporations of the state.

19. To take legislative action relative to water, the use of water, water rights, the appropriation of water, and the appropriation of the use of water; also to enact, modify, amplify, or amend an act entitled, "An act regulating and limiting the appropriation of water," etc., approved April 8, 1911.

20. To amend section 20 of the "Bank Act" in respect to reserve of commercial banks.

21. To provide for and to authorize the settlement and adjustment of the controversy between the State of California and the federal government respecting the school land grants and other grants made by the federal government to the state. Also to amend section 3494 of the Political Code of the State of California, relating to state school and other lands, fixing the price of such lands and the terms and conditions of sale thereof.

22. To amend section 1 of an act entitled, "An act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, by extending its operation to the acquiring of land for public library purposes.

23. To amend section 1855a of the Code of Civil Procedure relating to the admission in evidence of abstracts of title therein described by making such abstracts of title admissible in evidence whether made, issued or certified before or after conflagration or other public calamity.

24. To appropriate out of any money not otherwise appropriated the sum of one million five hundred thousand dollars for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November, in the year one thousand nine hundred and ten, as is provided in section fourteen of article thirteen of the constitution of this state, and as provided in an act of the thirty-ninth session of the legislature entitled, "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating to revenue and taxation," and of said moneys appropriated the sum of seven hundred and fifty thousand dollars, or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth, nineteen hundred and twelve, and the sum of seven hundred and fifty thousand dollars, or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth, one thousand nine hundred and thirteen.

25. To amend an act entitled, "An act to amend the Political Code of the State of California by adding thereto a new section, and to be known as and numbered section 2185c, relating to arrest, hearing, and commitment of inebriates and drug habitués to a state hospital for the insane," by providing that persons of bad character and bad repute, apart from the habit of inebriety, shall not be committed as set forth in said act, and by providing also that it must be determined upon examination, that there is reasonable ground for hope that the person to be committed as set forth in said act is susceptible to benefit from said treatment, and providing also that the lunacy commission shall be given power to discharge a person committed under said act upon the recommendation of the hospital superintendent, when satisfied that such person will not receive substantial benefit from further hospital treatment.

26. To amend section 1837 of the Political Code of the State of California, by providing that district school taxes voted in any fiscal year may be levied by the board of supervisors in the succeeding fiscal year if not previously levied by said board.

In witness whereof, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California at my office in the State Capitol, this 21st day of November, in the year of our Lord one thousand nine hundred and eleven, and of the admission of the State of California, the sixty-first.

[SEAL.]

HIRAM W. JOHNSON,
Governor.

Attest: FRANK C. JORDAN, Secretary of State.

Endorsed: Filed Nov. 21st, 1911.

FRANK C. JORDAN, Secretary of State.



CONSTITUTION OF THE STATE OF CALIFORNIA.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privilege of an elector in this state; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [*Amendment adopted October 10, 1911.*]

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

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

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

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

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

SEC. 6. The inhibitions of this constitution to the contrary notwithstanding, the legislature shall have power to provide that in different parts of the state different methods may be employed for receiving and registering the will of the people as

expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the state at the option of the local authority indicated by the legislature for that purpose. [New section; adopted November 4, 1902.]

ARTICLE III.

DISTRIBUTION OF POWERS.

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

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

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

The first power reserved to the people shall be known as the initiative. Upon the presentation to the secretary of state of petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected, proposing a law or amendment to the constitution, set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the governor, in his discretion, prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

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

The second power reserved to the people shall be known as the referendum. No act passed by the legislature shall go into effect until ninety days after the final adjournment of the session of the legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section

of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; *provided, however,* that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the legislature and declared to be an urgency measure shall go into immediate effect.

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

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

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

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

sumed that the petition presented contains the signatures of the requisite number of qualified electors.

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

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

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the state, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or counties having charters adopted under the provisions of section eight of article eleven of this constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this state, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved. [Amendment adopted October 10, 1911.]

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

Sec. 3. Members of the assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the assembly, after the adoption of this constitution, shall

be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter members of the assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the legislature.

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

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

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

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

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

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

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

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

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

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

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

SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on

three several days in each house, unless, in case of urgency, two thirds of the house where such bill may be pending shall, by vote of yeas and nays, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

SEC. 16. Every bill which may have passed the legislature shall, before it becomes a law, be presented to the governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the secretary of state, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the governor's veto, as hereinbefore provided. If the legislature be in session, the governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the governor. [*Amendment adopted November 3, 1908.*]

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

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

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

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

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

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the controller; and no money shall ever be appropriated or drawn from the state treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution 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

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

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

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

The commission herein created is authorized and directed to make such proper contracts with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the 22d day of March, 1910, as will entitle the State of California to share proportionately with the con-

tributors to the said Panama-Pacific International Exposition in the returns from the holding of said exposition at the city and county of San Francisco. [*Amendment adopted November 8, 1910.*]

SEC. 23. The members of the legislature shall receive for their services the sum of one thousand dollars each for each regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each, for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty, and mileage to be fixed by law, all paid out of the state treasury; such mileage shall not exceed ten cents per mile; and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The legislature may also provide for additional help; but in no case shall the total expense for officers, employes 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. [*Amendment adopted November 3, 1908.*]

SEC. 23a. The legislature may also provide for the employment of help; but in no case shall the total expense for officers, employes 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. [*New section; adopted November 3, 1908.*]

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

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

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

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of courts of justice.

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

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

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

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

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

Tenth—For the assessment or collection of taxes.

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

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

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—Relensing 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, townships, 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. 25. The legislature may provide for the division of the state into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts. [*New section; amendment adopted November 4, 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 prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange or stock market under the control of any corporation or association. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this state. [*Amendment adopted November 3, 1908.*]

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

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

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

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

SEC. 31. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county.

city, township, or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

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

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

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

SEC. 35. Any person who seeks to influence the vote of a member of the legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the legislature to provide, by law, for the punishment of this crime. Any member of the legislature who shall be influenced, in his vote or action upon any matter pending before the legislature, by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever 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. 36. The legislature shall have power to establish a system of state highways or to declare any road a state highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. [*New section; adopted November 4, 1903.*]

ARTICLE V.

EXECUTIVE DEPARTMENT.

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

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

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

SEC. 4. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the assembly, who shall, during the first week of the session, open and publish them in the presence of both

houses of the legislature. The person having the highest number of votes shall be governor; but in case any two or more have an equal and the highest number of votes, the legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for governor.

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

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

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

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

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

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

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

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

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

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

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

SEC. 16. In case of the impeachment of the governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the disability shall cease. And should the lieutenant governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the state, the president *pro tempore* of the senate shall act as governor until the vacancy in the office of governor shall be filled at the next general election when members of the legislature shall be chosen, or until such disability of the lieutenant governor shall cease. In case of a vacancy in the office of governor for any of the reasons above named, and neither the lieutenant governor nor the president *pro tempore* of the senate succeed to the powers and duties of governor, then the powers and duties of such office shall devolve upon the speaker of the assembly, until the office of governor shall be filled at such general election. [*Amendment adopted November 8, 1898.*]

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

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

SEC. 19. The governor, lieutenant governor, secretary of state, controller, treasurer, attorney general, and surveyor general shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: governor, ten thousand dollars per annum; lieutenant governor, four thousand dollars; the secretary of

state, controller, treasurer, and surveyor general, five thousand dollars each per annum, and the attorney general, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums heretofore 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. [*Amendment adopted November 3, 1908.*]

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

ARTICLE VI.

JUDICIAL DEPARTMENT.

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

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

SEC. 3. The chief justice and the associate justices shall be elected by the qualified electors of the state at large at the general state elections, at the time and places at which state officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six associate justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall

go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. If a vacancy occur in the office of a justice, the governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election after the adoption and ratification of this constitution.

Sec. 4. The supreme court shall have appellate jurisdiction on appeal from the superior courts in all cases in equity, except such as arise in justices' courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars; also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a district court of appeal which shall be ordered by the supreme court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus in 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, Maria, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

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

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

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

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

The district courts of appeal shall have appellate jurisdiction on appeal from the superior courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in justices' courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the supreme court); also, on questions of law alone, in all criminal cases 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 1907: *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided, and the justices of each district court of appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the secretary of state. If any vacancy occur in the office of a justice of the district courts of appeal, the governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general state election as aforesaid; the justice then elected shall hold the office for the unexpired term.

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

Whenever any justice of the supreme court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the justices of the 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. 4½. No judgment shall be set aside, or new trial granted in any criminal case on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless: after an examination of the entire cause including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice. [*New section; amendment adopted October 10, 1911.*]

SEC. 5. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for, and said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the state; provided, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days. [Amendment adopted October 10, 1911.]

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

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

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

of any session of any superior court held by one or more judges acting upon request, or judge or judges *pro tempore*, shall be equally effective as if the judge or all of the judges of such court presided at such session. [Amendment adopted November 8, 1910.]

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

SEC. 10. Justices of the supreme court, and of the district courts of appeal, and judges of the superior courts may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house. All other judicial officers except justices of the peace, may be removed by the senate on the recommendation of the governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal. [Amendment adopted November 8, 1904.]

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

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

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

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

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

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

SEC. 17. The justices of the supreme court and of the district courts of appeal, and the judges of the superior courts, shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law. The salaries of the judges of the superior court in all counties having but one judge, and in all counties in which the terms of the judges of the superior court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the justices of the supreme court and of the district courts of appeal shall be paid by the state. One half of the salary of each superior court judge shall be paid by the state, and the other half thereof shall be paid by the county for which he is elected. On and after

the first day of January; A. D. one thousand nine hundred and seven, the justices of the supreme court shall each receive an annual salary of eight thousand dollars, and the justices of the several district courts of appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly. [*Amendment adopted November 6, 1906.*]

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

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

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

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

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

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

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

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

ARTICLE VII.

PARDONING POWER.

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

ARTICLE VIII.

MILITIA.

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

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

ARTICLE IX.

EDUCATION.

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

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

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

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this state for the support of common schools, which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new states under an act of congress distributing the proceeds of the public lands among the several states of the union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted, or may have been granted, by congress on the sale of lands in this state, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the legislature may provide, shall be inviolably appropriated to the support of common schools throughout the state.

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

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

SEC. 7. The 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, without

any change or alteration whatsoever which will require or necessitate the purchase of new books by such pupils, and said state board shall perform such other duties as may be prescribed by law. The legislature shall provide for a board of education in each county in the state. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Amendment adopted October 10, 1911.*]

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

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

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

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

Sec. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [*Amendment adopted November 6, 1895.*]

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

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

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

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation,

printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

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

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

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

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

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

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein: *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

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

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

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

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

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

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

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; *provided*, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which

shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; *provided, further*, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

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

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

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

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

general municipal election shall occur in said city not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body, said board of freeholders may be elected at such general municipal election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said council, or other legislative body, to prepare and propose a charter for said city, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the city clerk of said city, and the other in the office of the county recorder of the county in which said city is situated. Said council, or other legislative body, shall, thereupon, cause said proposed charter to be published for at least ten times, in a daily newspaper of general circulation, printed, published and circulated in said city: *provided*, that in any city where no such daily newspaper is printed, published and circulated, such proposed charter shall be published, for at least three times, in at least one weekly newspaper of general circulation, printed, published and circulated in said city, and, in any event, the first publication of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the city clerk. Such proposed charter shall be submitted by said council, or other legislative body, to the qualified electors of said city at a special election held not less than twenty days, nor more than forty days, after the completion of such publication: *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than forty days, after the completion of such publication, then such proposed charter may be so submitted at such general election. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the legislature, if it be in regular session, otherwise at its next regular session, or if may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter (whether framed under the provisions of this section of the constitution or not), and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer of said city, and authenticated under the seal of such city, setting forth the submission of such charter to the electors of said city, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate and deposited; one in the office of the secretary of state and the other, after being recorded in the office of the recorder of the county in which such city is situated, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the council, or other legislative body of the city, to the qualified electors thereof at a general or special municipal election held at intervals of not less than two years (except that charter amendments may be submitted at a general municipal election at an interval of less than two years after the last election on charter amendments provided that no other election on charter amendments has been held since the beginning of the last regular session of the state legislature or shall be held prior to the next regular session of the state legislature), and held not less than twenty days, nor more than forty days, after the completion of the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said city, or for three times in at least one weekly newspaper of general circulation, printed, published and circulated in said city, if there be no such daily newspaper. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition, as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter.

such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by fifteen per centum of the qualified electors of the city, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, is filed in the office of the city clerk of said city, petitioning the council, or other legislative body thereof, to submit any proposed amendment or amendments to the charter of such city, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the city clerk, and if signed by the requisite number of qualified electors of said city, it shall be presented to the said council, or other legislative body, by the said city clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said council, or other legislative body, said council, or other legislative body, must submit the amendment or amendments set forth in said petition to the qualified electors of said city, at a general or special municipal election, held not less than twenty, nor more than forty, days after the completion of the publication of such proposed amendment or amendments, in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the council, or other legislative body. The first publication of any proposed amendment or amendments to such charter so proposed by petition shall be made within fifteen days after the aforesaid presentation of said petition to said council, or other legislative body. In submitting any such charter, amendment or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

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

Whenever any board of freeholders shall be elected, or any such proposed charter or amendment or amendments thereto shall be submitted at a general municipal election, the laws governing the election of city officers, or the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto and not inconsistent herewith.

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

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

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

(a) Authorizing the city and county of San Francisco, a municipal corporation, by its legislative authority, to incur a bonded indebtedness in an amount not exceeding five million dollars, and to issue municipal bonds therefor, and to grant and turn over to the Panama-Pacific International Exposition Company (a corporation organ-

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

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

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

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

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

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

Any act of the legislative authority of the city and county of San Francisco, in submitting to the electors of said city and county, at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election, and the holding of such election, in accordance with the provisions hereof, before the adoption of this amendment, are hereby validated in all respects as if performed subsequent to the adoption of this amendment. The disbursement of all funds obtained from said bonds shall be accounted for by said Panama-Pacific International Exposition Company by an itemized statement thereof to be filed with the auditor of the city and county of San Francisco. [New section; adopted November 8, 1910.]

SEC. 82. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this constitution, to provide, in addition to those provisions allowable by this constitution and by the laws of the state, as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges

of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attachés.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 16 $\frac{1}{2}$. 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 Jose and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred, by it, to commence at a time after the incurring of such indebtedness of not more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void.

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

ARTICLE XII.

CORPORATIONS.

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

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

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

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

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

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

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

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

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

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

SEC. 10. The legislature shall not pass any laws permitting the leasing or aliena-

tion 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 cooperative 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 or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the railroad commission provided for in this constitution, that such increase is justified, and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property. [*Amendment adopted October 10, 1911.*]

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

SEC. 22. There is hereby created a railroad commission which shall consist of five members and which shall be known as the railroad commission of the State of California. The commission shall be appointed by the governor from the state at large; *provided*, that the legislature, in its discretion, may divide the state into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; *and provided, further*, that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The legislature shall fix the salaries of the commissioners, but pending such action the salaries of the commissioners, their officers and employes shall remain as now fixed by law. The legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this state, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said railroad commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of railroad commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission, than the rates, fares and charges which are specified in such tariff. The commission shall have the further

power to examine books, records and papers of all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

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

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

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

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

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

ARTICLE XIII.

REVENUE AND TAXATION.

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

SEC. 14. The property to the amount of one thousand dollars of every resident in this state who has served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom; or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving honorable discharge from said service; and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors, and marines who served in the army, navy, or marine corps, or revenue marine service of the United States, shall be exempt from taxation: *provided*, that this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of this state. [*New section; amendment adopted October 10, 1911.*]

SEC. 14. 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. 13. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said state, shall be free and exempt from taxation. [*New section; adopted November 4, 1902.*]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) All railroad companies, including street railways, whether operated in one or more counties: all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loading and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof used exclusively in the operation of their business in this state,

computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

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

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

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

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

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

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

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

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

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

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

ARTICLE XIV.

WATER AND WATER RIGHTS.

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

SEC. 2. The right to collect rates or compensation for the use of waters supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner 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 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; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the state, for three months next preceding the election at which it is submitted to the people. The

legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same. [*Amendment adopted November 3, 1908.*]

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

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

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

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

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

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

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

ARTICLE XIX.

CHINESE.

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

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

NOTE—The provisions of this section held to be in conflict with the United States constitution and therefore void. *In re Parrott*, 6 Saw. 349; (U. S. Circuit Court).

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

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

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

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

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

SEC. 3. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "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 afterward 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 when not otherwise directed in this constitution, provided that it shall be competent in all charters of cities, counties, or cities and counties framed under the authority of this constitution to provide the manner in which their respective elective officers

may be elected and to prescribe a higher proportion of the vote therefor, *and provided, also*, that it shall be competent for the legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor. [*Amendment adopted October 10, 1911.*]

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 employee 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 employee shall control; *and provided, further*, that the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the state or of any political division thereof shall not be limited by this section. [*Amendment adopted October 10, 1911.*]

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.

SEC. 21. The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employes for any injury incurred by the said employes in the course of their employment irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this constitution to the contrary notwithstanding. [*Amendment adopted October 10, 1911.*]

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 in 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 boards shall immediately certify the same, in the usual form, to the governor of the State of California.

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

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

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

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

ARTICLE XXIII.

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

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies (*provided* that if the officer sought to be removed is a state officer who is elected in any political subdivision of the state, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies) demanding an election of a successor to the officer named in said petition, shall be addressed to the secretary of state and filed with the clerk or registrar of voters, of the county or city and county in

which the petition was circulated; *provided*, that if the officer sought to be removed was elected in the state at large such petition shall be circulated in not less than five counties of the state, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

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

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

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

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

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

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

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

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

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

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

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

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

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

be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the constitution.

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

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved. [*New article; amendment adopted October 10, 1911.*]

J. P. HOGE, President.

Attest: EDWIN F. SMITH, Secretary.

A. R. ANDREWS,
 JAMES J. AYRES
 CLITUS BARBOUR,
 EDWARD BARRY,
 JAMES N. BARTON,
 C. J. BEERSTECHEE,
 ISAAC S. BELCHER,
 PETER BELL,
 MARION BIGGS,
 E. T. BLACKMER,
 JOSEPH C. BROWN,
 SAML. B. BURT,
 JOHN D. CONDON,
 C. W. CROSS,
 HENRY EDGERTON,
 JONIAH BOUCHER,
 JAMES CAPLES,
 ATG. H. CHAPMAN,
 J. M. CHARLES,
 HAMLET DAVIS,
 JAS. E. DEAN,
 P. T. DOWLING,
 LUKE D. DOYLE,
 W. L. DUDLEY,
 JONATHAN M. DUDLEY,
 PRESLEY DUNLAP,
 JOHN A. EAGON,
 THOMAS H. ESTRY,
 M. M. ESTEE,
 EDWARD EWEY,
 SIMON J. FARRELL,
 JACOB RICHARD FREUD,
 R. B. GLASCOCK,
 W. P. GRACE,
 JNO. S. HAGER,
 JOHN B. HALL,
 THOMAS HARRISON,
 T. D. HEISKELL,
 D. W. HERRINGTON,
 J. R. W. HITCHCOCK,
 VOLNEY E. HOWARD,
 J. A. FILCHER,
 ABRAHAM CLARK FREEMAN,
 J. B. GARVEY,
 JOSEPH C. GORMAN,
 WILLIAM J. GRAVES,
 V. A. GREGG,
 JOEL A. HARVEY,
 CONRAD HEROLD,
 S. G. HILBORN,
 J. E. HALE,
 SAM A. HOLMES,
 W. J. HOWARD.

W. F. HUESTIS,
 DANIEL INMAN,
 L. F. JONES,
 J. M. KELLEY,
 JOHN J. KENNY,
 T. H. LAINE,
 R. M. LAMPSON,
 H. W. LA RUE,
 J. F. LINDOW,
 EDWARD MAITIN,
 RUSH McCOMAS,
 WM. HUGHLEY,
 G. W. HUNTER,
 GEORGE A. JOHNSON,
 PETER J. JOYCE,
 JAMES H. KEYES,
 C. R. KLEINE,
 HENRY LARKIN,
 R. LAVIGNE,
 DAVID LEWIS,
 JNO. MANSFIELD,
 J. WEST MARTIN,
 JOHN G. McCALLUM,
 HIRAM MILLS,
 JOHN FLEMING McNUTT,
 L. D. MORSE,
 EDMOND NASON,
 A. P. OVERTON,
 HENRY NEUNABER,
 JAMES MARTIN PORTER,
 M. R. C. PULLIAM,
 PATRICK REDDY,
 JAS. S. REYNOLDS,
 CHAS. S. RINGGOLD,
 JAMES McM. SHAFER,
 RUFUS SHOEMAKER,
 BENJ. SHURTLEIFF,
 GEO. VENABLE SMITH,
 JOHN C. STEDMAN,
 D. C. STEVENSON,
 CHAS. V. STUART,
 CHARLES SWENSON,
 D. S. TERRY,
 F. O. TOWNSEND,
 DANIEL TUTTLE,
 A. P. VACQUEREI,
 HUGH WALKER,
 BYRON WATERS,
 J. B. WEBSTER,
 PATRICK M. WELLEN,
 H. W. SMITH,
 E. P. SOULE,
 GEORGE STEELE.

THOMAS McCONNELL,	W. J. SWEASEY,
THOMAS B. McFARLAND,	R. S. SWING,
WM. S. MOFFATT,	S. B. THOMPSON,
W. W. MORELAND,	W. J. TINNIN,
JAMES E. MURPHY,	P. B. TULLY,
THORWALD KLAUDIUS NELSON,	IL. K. TURNER,
CHAS. C. O'DONNELL,	WALTER VAN DYKE,
GEORGE OHLEYER,	WM. VAN VOORHIES,
JAMES O'SULLIVAN,	JNO. WALKER,
WILLIAM H. PROUTY,	JOSEPH R. WELLER,
CHAS. F. REED,	JOHN P. WEST,
JNO. M. RHODES,	JOHN WICKES,
HORACE C. ROLFE,	WM. F. WHITE,
GEO. W. SCHELL,	IL. C. WILSON,
J. SCHOMP,	JOS. W. WINANS,
E. O. SMITH,	N. G. WYATT.
JOHN McCOY,	

STATUTES OF CALIFORNIA

PASSED AT THE

EXTRA SESSION OF THE THIRTY-NINTH LEGISLATURE.

CHAPTER 1.

An act to legalize registrations of electors.

[Approved December 4, 1911.]

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

SECTION 1. All registrations of electors of this state, heretofore made or attempted to be made, which are defective or illegal by reason of any defect, irregularity, or illegality in the appointment, qualification, or authority of the deputy clerks or other officials or persons before whom such registrations may have been made, or who took the affidavits of the persons so registering, and all registrations of married women, who have registered under the given names, or the initials of the given names of their respective husbands, are hereby declared to be valid and legal, and are hereby validated in every case where the elector, who has made such illegal or defective registration, was, at the time of such registration, in all respects eligible to register as an elector of this state, and possessed all of the qualifications required therefor by the constitution and laws of this state.

Registrations declared legal and valid.

Registrations of married women.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1, article IV of the constitution, and is deemed necessary for the immediate preservation of the public peace and safety. The following is a statement of the facts constituting such necessity: That elections are about to be held in certain municipalities in this state prior to the first day of January, 1912, and defects and irregularities have occurred in the registration of a large number of electors in such municipalities, which defects, owing to defects and irregularities in the appointment, qualification or authority of the deputy clerks or other officials or persons before whom such registrations were made, and to the registration of married women under the given names, or initials of the given names of their respective husbands, and by reason whereof a question has arisen regarding the right of many persons, so registered, to vote at said elections, who were, at the time of such registration, in all respects eligible to register

Declaration of urgency.

Facts constituting necessity for legislative action.

as electors of this state, and who possessed all of the qualifications required therefor by the constitution and laws of this state; that there is now existing a feeling of public unrest and apprehension regarding such registration and such elections; that, unless the right of such persons to vote at such elections is legally established prior to the holding thereof, public disorder and breaches of the public peace at such elections are liable to ensue, and the public safety and the orderly conduct of such elections are liable to be endangered.

CHAPTER 2.

An act to amend that certain act of the legislature of the State of California entitled "An act to define and regulate the business of banking," approved March 1, 1909, by amending section 20 thereof.

[Approved December 18, 1911.]

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

SECTION 1. Section 20 of that certain act entitled "An act to define and regulate the business of banking," approved March 1, 1909, is hereby amended to read as follows:

Money re-
serve required
of commer-
cial banks.

SECTION 20. Every commercial bank receiving deposits as a depositary bank of other banks shall have at all times as its lawful money reserve an amount equal to twenty per cent of the aggregate amount of its deposits. Two fifths of such reserve shall be in its own keeping in lawful money of the United States. The remaining three fifths thereof may consist of moneys on deposit subject to call with any bank or banks in this state other than a savings bank; or one half of such three fifths or any less portion thereof may consist of moneys on deposit subject to call with any bank or banks in the cities of New York, Chicago and St. Louis, other than a savings bank, and the balance of such three fifths, of moneys on deposit subject to call with any bank or banks in this state other than a savings bank. Every commercial bank not receiving deposits as a depositary bank of other banks shall have at all times as its lawful money reserve, an amount equal to fifteen per cent of the aggregate amount of its deposits. Two fifths of such reserve shall be in its own keeping in lawful money of the United States. The remaining three fifths thereof may consist of moneys on deposit subject to call with any bank or banks in this state other than a savings bank; or, one half of such three fifths or any less portion thereof may consist of moneys on deposit subject to call with any bank or banks in the cities of New York, Chicago and St. Louis, other than a savings bank, and the balance of such three fifths, of moneys on deposit subject to call with any bank or banks in this state other than a savings bank. If the lawful money reserve of any bank shall

Proportion
and how
distributed.

be less than the amount required by this section, such bank shall not increase its liabilities by making any new loans or discounts, otherwise than by discounting bills of exchange on sight, or making any dividends from profits until the full amount of its lawful money reserve has been restored. The superintendent of banks may notify any bank whose lawful money reserve shall be below the amount herein required, to make good such reserve; and, if it shall fail for thirty days thereafter to make good such reserve, such bank shall be deemed insolvent and may be proceeded against under the provisions of this act; *provided*, that nothing herein contained shall be construed to conflict with the provisions of section 43 of this act.

Duty of bank if reserve is less than amount required by law.

Duty of superintendent of banks—declaration of insolvency.

CHAPTER 3.

An act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the state controller, and for the recording of such bonds in the office of the state controller.

[Approved December 18, 1911.]

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

SECTION 1. Whenever the board of directors of any irrigation district organized or existing under and by virtue of an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition and construction thereby of works for the irrigation of lands embraced within such districts and also to provide for the distribution of water for irrigation purposes." approved March 31, 1897, and the act or acts amendatory thereof, shall by resolution declare that it deems it desirable that a contemplated issue of the bonds of said district shall be made available for the purposes provided for in this act, the said board of directors shall thereupon file a certified copy of such resolution with the commission hereinafter provided for.

Issue of bonds by irrigation districts.

SEC. 2. Such commission, upon the receipt of a certified copy of such resolution shall, without delay, make or cause to be made an investigation of the affairs of the district and report upon the following facts:

Affairs of district to be investigated.

(a) The reasonable market value of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned by such district or to be acquired or constructed with proceeds of the proposed issue of bonds.

Determination of facts constituting basis for bond issue.

(b) The reasonable market value of the lands included within the boundaries of the district.

(c) The physical feasibility of the project for which the proceeds of the proposed issue of bonds are to be used, and the approximate cost thereof.

Report to be filed with state controller.

Limit of bond issue.

SEC. 3. The written report of the investigation herein provided for shall be filed in the office of the state controller, and a copy of said report shall by the controller be forwarded to the secretary of the district for which the investigation shall have been made, and if said commission shall report that the project is feasible, said bonds of such irrigation district to the amount of sixty per centum of the then aggregate market value of the lands, water, water rights, canals, reservoirs, reservoir sites and irrigation works as shown in said report shall be available for the purposes specified in section eight (8) of this act, and, if the board of directors of such district shall then decide to bring such issue of bonds within the provisions of this act, such bonds when voted for and issued shall be recorded in the office of the state controller as herein provided for, but no bonds shall be issued in excess of the percentage hereinbefore mentioned. Subsequent issues of bonds may be made available for the purposes specified in this act upon like proceedings by said district; *provided, however,* that after an irrigation district shall have availed itself of the provisions of this act, it shall not be lawful for such district to make a subsequent issue of such amount that the total amount of its bonds outstanding shall exceed sixty per centum of the aggregate value of the lands, water, water rights, canals, reservoirs, reservoir sites, and irrigation works, as set forth in the latest report of the commission, as provided for in this act.

Subsequent issues.

Bonds to be recorded.

SEC. 4. All bonds of said districts, issued in accordance with the provisions of this act, shall be recorded with the state controller, and shall have attached thereto the certificate of the state controller in substantially the following form:

“SACRAMENTO, CAL., (here insert date), 191...

Certificate of state controller.

I, the undersigned, state controller of the State of California, do hereby certify that the within bond has been issued and recorded in the office of the state controller of the State of California in accordance with the provisions of an act of the legislature of the State of California entitled, ‘An act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the state controller, and for the recording of such bonds in the office of the state controller,’ approved (here insert date), 191...

.....
State Controller of the State of California.”

It is hereby made the duty of the state controller to provide for the filing and preserving of such reports and the recording and certifying of said bonds.

SEC. 5. Whenever hereafter the board of directors of any irrigation district organized or existing under and by virtue of an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, or any act or acts amendatory thereof, shall, by resolution, declare that it deems it desirable that any or all past issues of bonds of the said district be investigated by the said commission, the said board of directors shall thereupon file a certified copy of such resolution with the commission hereinafter provided for, and the commission shall thereupon make or cause to be made an investigation into the affairs of the said district, in so far as they relate to the said bond issue or issues, and report upon the facts mentioned in section two (2) of this act. Said report to be filed in accordance with the provisions of section three of this act.

Investigation
of past
issues of
bonds.

SEC. 6. The attorney general, the state engineer and the superintendent of banks are hereby constituted the commission herein provided for and said commission shall elect one of their number chairman.

Commission
now con-
stituted.

SEC. 7. All necessary expenses incurred in making the investigation and report in this act provided for shall be paid by the irrigation district whose property has been investigated and reported on by the said commission, at the time of filing of said report.

Expenses of
investigation
to be borne
by district.

SEC. 8. All bonds issued in accordance with the requirements of this act, and all bonds that heretofore have been voted or authorized by irrigation districts organized or existing under an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition and construction thereby of works for the irrigation of lands embraced within such districts and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, or any act or acts amendatory thereof, provided that such irrigation districts are now actually engaged in the distribution of water to some portion of the territory embraced therein, and are not in default in the payment of interest upon any bonds, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, banking associations and trust companies and for the state school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, such money or funds may be invested in the said bonds of irrigation districts, and whenever bonds of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter

Bonds shall
be legal
investments.

Deposit of
bonds as
security.

enacted be deposited as security for any public money or deposits or for the performance of any act, bonds of irrigation districts under the limitations in this act provided, may be so used or deposited. This section is intended to be, and shall be considered the latest enactment upon the matters herein contained, and any and all acts in conflict with the provisions hereof are hereby repealed.

CHAPTER 4.

An act to amend sections one, three, four, nine, ten and eleven of an act known as "the building and loan commission act," chapter 354, laws of 1911, approved April 5, 1911, relating to the powers and duties of the building and loan commissioner.

[Approved December 18, 1911.]

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

SECTION 1. Section one of an act known as "the building and loan commission act," approved April 5, 1911, is hereby amended to read as follows:

Bureau of
Building and
Loan Super-
vision.

Section 1. There is hereby created a bureau, to be known and designated as the "Bureau of Building and Loan Supervision," with powers of supervision, examination and license of all building and loan associations, mutual loan associations, cooperative home associations, and all other corporations, associations and societies whenever, wherever and however formed, which are based, or are operating on plans or methods similar to building and loan associations as defined in section 648 of the Civil Code. Said bureau is charged with the enforcement of all laws designed for the formation, government or operation, in this state, of any such association, corporation or society, and is vested with power to determine what associations, corporations and societies come within the purview of the laws.

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

Salaries.

Section 3. The commissioner shall receive a salary of twenty-four hundred dollars per annum, and his secretary shall receive a salary of twenty-one hundred dollars per annum. Such salaries shall be in full for all services rendered, and neither the commissioner nor the secretary shall receive or accept any fees from any other source for services performed in their official capacity. There shall also be allowed and paid the necessary traveling expenses of the commissioner and his secretary, incurred while traveling in their line of duties, not to exceed the sum of fifteen hundred dollars per annum. The commissioner shall procure and have an office in the city of San Francisco, which 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.

Traveling
expenses.

Office, where
maintained.

For such office there shall be allowed and paid a total rental of not exceeding seventy-five dollars per month. Said commissioner 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 fifteen 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.

Rent and other expenses.

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

Section 4. Before entering upon their duties, the commissioner and the secretary shall each execute an official bond in the penal sum of five thousand dollars, each of which bonds must be guaranteed by a duly authorized surety or bonding company, the premium on which shall be paid from the allowance for office expenses. Any bond executed under this section must be approved by the governor and filed and recorded in the office of the secretary of state, and such commissioner and secretary must take the oath of office as prescribed by the Political Code for the state officers in general.

Bonds of commissioner and secretary.

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

Section 9. If the commissioner, as the result of any examination, or from any report made to him or to the shareholders, shall find that any association, corporation or society licensed by him, is violating the provisions of its charter or of the laws of this state provided for its government, or is conducting its business in an unsafe or unauthorized manner, he may, by an order addressed to the association, corporation or society so offending, direct a discontinuance of such violations or unsafe practices and a conformity with all the requirements of law; and if such association, corporation or society shall refuse or neglect to comply with such order within the time specified therein; or if it shall appear to the commissioner that any such association, corporation or society is in an unsafe condition, or is conducting its business in an unsafe manner, such as to render its further proceeding hazardous to the public, or to those having funds in its custody; or if he shall find that its assets are impaired to such an extent that, after providing for all liabilities other than to shareholders, members and investors, they do not exceed in volume the dues or principal payments paid in by the shareholders, members and investors and credited to or on account of all classes of stock, shares, or certificates of investment, issued and outstanding, he shall, in order to prevent waste and diversion of assets, assume and take charge of the affairs and business of such association, corporation or society and possession and control of all its property and assets, and retain such possession pending action by the proper court. Upon taking such action, he may, under his hand and official seal, appoint a custodian, require from him a good and sufficient bond, and place him in charge as his representative. He shall immediately notify the attorney

Violation of law by association.

Duty of commissioner.

Notice to
attorney
general.

general of his action and of all the necessary facts in connection therewith; and thereupon it shall become the duty of the attorney general to at once apply to the superior court of the county in which such association, corporation or society has its principal place of business, for an order citing such association, corporation or society to show cause, if any it may have, within not exceeding ten days, why the action of the commissioner should not be approved and confirmed by the court, and made permanent. Such court may in such application, and after a full hearing, approve or disapprove of the action of the commissioner. If the court shall approve and confirm the action of the commissioner, such approval and confirmation shall operate as a permanent injunction against the further prosecution of business by such association, corporation or society, and the commissioner shall proceed immediately to liquidate the business and affairs thereof, and so continue until such liquidation has been completed. If the action of the commissioner shall be disapproved by the court, the commissioner shall cause all reasonable expenses incurred by him during his occupancy or possession, including not exceeding eight dollars per diem. for each business day, as the compensation of the custodian, to be paid from the funds of such association, corporation or society, and immediately restore the balance of the property and assets thereof to the possession of the proper officers.

Reference to
superior
court.

Commis-
sioner
empowered
to conduct
business.

The approval and confirmation of the action of the commissioner, by the court, shall operate to empower the commissioner to collect all moneys, debts and claims due to or belonging to such association, corporation or society and to give full receipt therefor; to release or reconvey all real or personal property pledged as security for loans; to approve and pay all just and equitable claims; to prosecute all actions necessary to enforce liquidations; and, on the order of the court, to compound bad or doubtful debts and to sell and convey real and personal property.

Inventory
of assets.

As soon as practicable after the approval and confirmation of the action of the commissioner, by the court, he shall cause an inventory of all the assets of such association, corporation or society to be made in duplicate, the original to be filed with the proper court and the duplicate in the office of the commissioner. He shall cause due notice to be given by publication, weekly for four successive weeks, in some newspaper published at or near the principal place of business of such association, corporation or society, requesting all persons having claims against it as creditors, shareholders, members or investors, to present same and make legal proof thereof, at a place and within a time to be designated in such publication; and he shall cause a copy of such notice to be mailed to all persons whose names appear of record upon its books as creditors, shareholders, members or investors; and upon the expiration of the time fixed for the presentation of claims the commissioner shall prepare or cause to be prepared, in duplicate,

Notice to
claimants.

a full and complete schedule of all claims presented, specifying by classes those that have been approved and those that have been disapproved, and file the original with the proper court and the duplicate in the office of the commissioner. Due notice shall be mailed to all claimants whose claims may have been rejected. Action to enforce the payment of any rejected claim must be brought and service had within thirty days from and after the date of filing of the schedule of claims with the proper court, otherwise all such actions shall be forever barred. The commissioner may, under his hand and official seal, appoint one or more special deputies to assist in the duties of liquidation and distribution, under his direction, and may also employ such counsel and clerical assistance as may be needful and requisite, and fix the salaries and compensation to be allowed and paid to each. All such salaries, together with such other reasonable and necessary expenses as may be incurred in the liquidation, shall be paid by him from the funds of such associations, corporation or society in his hands, and from the net realization of assets, in excess of such salaries and expenses, the commissioner shall first pay all approved claims other than to stockholders, shareholders and members; and thereafter he shall distribute and pay dividends, in liquidation to the stockholders, other than guarantee, and to the shareholders and members, as fast as funds to the amount of ten (10) per cent of such approved claims are available therefor, and so continue until all the assets have been realized upon and a final dividend in liquidation shall be declared and paid. Upon the payment of a final dividend in liquidation, the commissioner shall prepare and file with the proper court a full and final statement of the liquidation, including a summary of the receipts and disbursements, and a duplicate thereof shall be filed in the office of the commissioner, and after due hearing and approval by the court the liquidation shall be deemed to be closed. The approval and confirmation of the action of the commissioner, in the manner herein provided, shall operate to dissolve or stay any or all actions or attachments initiated or levied within thirty days next preceding the date of notification of the attorney general by the commissioner: and, pending the process of liquidation, as herein provided, no attachment or execution shall be levied nor lien created upon any of the property of such association, corporation, or society.

In every case where any such association, corporation or society shall have a paid in guarantee capital, and the realization of assets shall be insufficient to meet the liabilities due to all other classes of stockholders, shareholders, members and investors, the commission shall enforce, by action or otherwise, the liability of each and every of the holders of the guarantee capital stock for his or their respective pro rata of any such deficiency. Whenever, in all cases where there shall be a paid in guarantee capital, the commissioner shall have fully liquidated all approved claims, and shall have made due pro-

Schedule
of claims.

Liquidation.

Final
report.Liability
of stock-
holders.Disposition
of surplus.

vision for any and all known but unclaimed liabilities guarantee capital excepted, and shall have paid all expenses of liquidation, any surplus that may then remain in his hands, together with all the records and effects, shall be delivered over to the holders of the guarantee capital stock at a meeting thereof to be called by the commissioner for that purpose.

Sec. 5. Section ten of said act is hereby amended to read as follows:

Schedule
of property.

Section 10. Upon the approval of the action of the commissioner, in the manner and for the cause set forth in section 9, the commissioner shall require the president and secretary of such association, corporation or society to, and such officers shall, make a schedule of all its property and make oath that such schedule sets forth all the property which such association, corporation or society owns or to which it is entitled, and deliver such schedule, and the possession of any and all such property as may not have been so previously delivered, to the commissioner, who may at any time examine under oath such president and secretary, or other officers, to determine whether or not all the property which such association, corporation or society owns, or to which it is entitled, has been transferred and delivered into his possession.

Sec. 6. Section eleven of said act is hereby amended to read as follows:

Report of
receivers.

Section 11. Receivers, heretofore or hereafter appointed, must, at least annually, make due report of all their doings and accounts to the proper court, and immediately thereafter file a copy thereof with the commissioner; and the commissioner shall, at least once in each year, and as much oftener as he may deem expedient, examine the accounts and doings of such receivers, and, for such purpose, shall have full and free access to all books, accounts and vouchers relating to such liquidation, and any defect, irregularity or misconduct on the part of such receivers as he may find to exist shall be, by the commissioner, reported to the proper court.

Examination
by commis-
sioner.

CHAPTER 5.

An act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the state board of control and vesting in the state board of control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all acts and parts of acts in conflict herewith.

[Approved December 18, 1911.]

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

SECTION 1. Whenever under the laws of the State of California it is now, or may hereafter be, the duty of any state officer, board, commission, bureau or department to prepare any notice, advertisement or publication, authorized or directed by law to be prepared, advertised, published, noticed or inserted in any newspaper or other medium, the said state officer, board, commission, bureau or department shall as now authorized or directed by law, or as may hereafter be authorized or directed by law, properly prepare, in all respects and in due form and within due time, in order to accomplish the purposes thereby intended, the said notice, advertisement or publication. When said notice, advertisement or publication shall have been so properly prepared it shall thereupon be the duty of said state officer, board, commission, bureau or department to deliver the same to the state board of control of the State of California. Thereupon the said state board of control of the State of California after having approved the said notice, advertisement or publication, shall cause the same to be advertised, published or noticed in such newspaper or newspapers or other medium as may be now or hereafter required by law, and said state board of control shall have the sole and exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of any and all such advertisements, publications, and notices. Any and all authority heretofore given by law to any state officer, board, commission, bureau or department for the advertising, noticing or publication, of any and all advertisements, publications or notices in newspapers or other mediums or for the insertion of the same in newspapers or other mediums, is hereby expressly revoked and such authority is hereby vested exclusively in the state board of control and shall be assumed, performed and exercised by said state board of control.

Advertisements by state officers or departments.

State board of control to have supervision and management.

Revocation of previous authority.

SEC. 2. All acts and parts of acts in conflict with or inconsistent with this act are hereby repealed.

CHAPTER 6.

An act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

[Approved December 18, 1911.]

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

Exclusion of
lands from
Reclamation
District
No. 535.

SECTION 1. All that portion of Reclamation District No. 535, embracing lands within the county of Sacramento, which lie within the limits of the city of Sacramento as they now exist, are hereby excluded from the said reclamation district, but without prejudice to the right of the said reclamation district to exist and continue as to the remaining lands within the boundaries thereof. The lands so excluded shall be liable for their just proportion of the legal indebtedness of said Reclamation District No. 535, when the same shall be ascertained by law.

Declaration
of urgency.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1, article IV of the constitution and is deemed necessary for the immediate preservation of the public peace, health, and safety. The following is a statement of the fact constituting such necessity: That Reclamation District No. 535 is a reclamation district organized and existing under the laws of the State of California; that an election was held in accordance with law on the twelfth day of September, 1911, for the purpose of determining whether certain adjacent territory should be annexed to the city of Sacramento embracing among other land to be annexed a portion of the land included within the boundaries of said Reclamation District No. 535 and subject to the jurisdiction thereof; that at said election it was duly voted to include such portion of said land within the city of Sacramento, and that by proceedings duly had after due and legal notice given such portion of said Reclamation District No. 535 is now embraced within the boundaries of the city of Sacramento, as they now exist and as such is subject to the jurisdiction of the city of Sacramento as to the levying of assessment and collection of taxes, building of levees, promotion of drainage and protection from overflow; that to avoid a conflict of jurisdiction as to the right to give, control and regulate the same and to impose taxes and assessments thereon, and to establish a system of sewers and drainage therein, it is essential that all that portion of Reclamation District No. 535 embracing lands within the limits of the city of Sacramento as they now exist and being such land as became

Statement
of facts

Annexation
to city of
Sacramento.

Conflict of
jurisdiction.

a part of the city of Sacramento by virtue of the election aforesaid should be excluded from said Reclamation District No. 535 without prejudice to the right of the said reclamation district to exist as to the remaining lands within the boundaries thereof.

CHAPTER 7.

An act to amend section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

[Approved December 18, 1911.]

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

SECTION 1. Section 1837 of the Political Code is hereby amended to read as follows:

1837. The board of supervisors must, at the time of levying the county taxes, levy a tax upon all the taxable property in the district voting such tax, sufficient to raise the amount voted. 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 district, as it appears on the assessment roll of the county, and then dividing the sum voted by the remainder of such aggregate assessed value. The taxes so levied shall be computed and entered on the assessment roll 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 the district in which the tax was voted; *provided*, that whenever any election has been held within one year immediately preceding the passage of this act, or may hereafter be held, in a school district, and a tax voted in the manner provided by sections eighteen hundred and thirty to eighteen hundred and thirty-seven, inclusive, of this code, and the board of supervisors whose duty it was, or shall be, to levy said tax, as in this section provided, has failed or neglected, or hereafter shall fail or neglect, to levy said tax so voted, or any portion thereof, in and for the fiscal year in which said tax ought to have been levied, then said board of supervisors must levy said tax so voted, or such portion thereof as has not been previously levied, in the fiscal year next succeeding the fiscal year in which said tax ought to have been levied.

Levy of district tax.

Collection, how made.

Omission by board of supervisors, action thereafter.

CHAPTER 8.

An act to amend section 2185c of the Political Code of the State of California.

[Approved December 18, 1911.]

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

SECTION 1. Section 2185c of the Political Code of the State of California is hereby amended to read as follows:

Person
addicted to
intemperate
use of
narcotics or
stimulants.

2185c. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, he must issue and deliver to some peace officer for service a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity. He must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him of the charge against him, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered in the minutes of the court by the clerk and a certified copy of the same served on such person. The judge may also order that notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, as the court may deem necessary or proper. The hearing and examination shall be had in compliance with the provisions of sections 2169 and 2170 of the Political Code. The judge, after such hearing and examination, if he believes the person is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, must make an order that he be confined in a hospital for the care and treatment of the insane, designated in such order, and the order must be accompanied by a written statement of the judge as to the financial condition of the patient and of the persons legally liable for his maintenance, as far as can be ascertained; *provided*, that before a person shall be committed to a state hospital, satisfactory evidence shall be submitted to

Arrest and
examination.

Commitment
to state
hospital.

the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his or her habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment. Such order and statement shall be in substantially the form provided by section 2171 of the Political Code for the commitment of insane persons. The court shall commit such person for a definite period, not to exceed two years, but provided that he may be paroled by the medical superintendent under the same rules and conditions that the insane are paroled; *and provided, further*, that the state commission in lunacy shall be given the same power to discharge any person committed under this act as contained in section 2189 of the Political Code, upon the recommendation of the hospital superintendent, when satisfied that such person will not receive substantial benefit from further hospital treatment. Such person shall be delivered to the state hospital for the insane to which he has been committed in compliance with the provisions of section 2172 of the Political Code, providing for the commitment and deliverance of an insane person.

Conditions
and term of
commitment.

CHAPTER 9.

An act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices.

[Approved December 18, 1911.]

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

SECTION 1. Section four thousand and twenty-three of the Political Code of the State of California is hereby amended to read as follows:

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 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.

Qualifications
necessary to
hold office.

CHAPTER 10.

An act to amend section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

[Approved December 18, 1911.]

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

SECTION 1. Section 1066 of the Political Code of the State of California is hereby amended to read as follows:

Proportion
of votes
necessary
to elect.

1066. The person receiving at any election a plurality of the votes polled for any office to be filled at such election, is elected thereto; *provided*, that in any city, county or city and county which, by its charter, prescribes for the election of its officers a higher proportion of votes than a plurality, such higher proportion of votes as may be so prescribed shall be necessary for such election; *and provided, further*, that in any municipality organized or incorporated under general laws, such higher proportion of votes than a plurality as may be prescribed by general law shall be necessary for the election of the officers of such municipality.

CHAPTER 11.

An act to amend section 1083 of the Political Code of the State of California, relating to the qualifications of a voter.

[Approved December 23, 1911.]

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

SECTION 1. Section 1083 of the Political Code of the State of California is hereby amended to read as follows:

Qualifications
necessary for
elector.

Citizenship.

Residence.

Registration.

1083. Every native citizen of the United States, every person who shall have acquired the right of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof or female person who has acquired citizenship by virtue of her marriage to a citizen, or by the naturalization of her husband, and every other person who has otherwise become a citizen of the United States who shall have acquired such citizenship ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county in which such citizen claims to be entitled to vote ninety days, and in the election precinct thirty days, and who has conformed to the law governing the registration of voters, shall be a qualified elector at any and all elections held within the county, city and county, city, town, or district within which such elector resides.

CHAPTER 12.

An act to amend section one of an act entitled "An act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

[Approved December 23, 1911.]

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

SECTION 1. Section 1 of the act of the legislature entitled "An act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, is hereby amended to read as follows:

Acquisition
of land by
municipal-
ities
by condem-
nation.

Section 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to acquire by condemnation any land situate in such municipality for public park, public playground, or public library purposes.

Purposes for
which land
may be
acquired.

CHAPTER 13.

An act to amend section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

[Approved December 23, 1911.]

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

SECTION 1. Section 1280 of the Political Code of the State of California is hereby amended to read as follows:

1280. If, at the time of the meeting, the returns from each precinct in the county in which 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 day to day until all of the returns are received, or until six postponements have been had. In any county or city and county where the number of election precincts in said county or city and county exceed five hundred, said board may appoint several sets of clerks to perform the clerical work of the canvass and to assist in canvassing said returns; and said several sets of clerks so appointed may, under

Canvass of
returns.

Additional
sets of
clerks.

Open to
the public.

the order and direction of said board, do and perform such work in the canvassing of such returns simultaneously. Such canvass may be made at such place in the county or city and county as the board may by order entered in its minutes designate and declare to be a necessity; *provided*, that where it shall be made at a place other than the usual place of meeting of such board, the place shall be open to the public and the canvass must be made in public, and the said board shall cause public notice to be posted at the usual place of meeting of said board in a conspicuous place for at least three (3) days before the time for making such canvass, and during all the time while such canvass is being made, which notice shall state clearly and fully the designation and description of the place where such canvass will be made and conducted.

CHAPTER 14.

An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities, their officers, define its powers and duties and the rights, remedies, of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "railroad commission fund" and appropriating the moneys therein to carry out the provisions of this act, and repealing the railroad commission act, approved February 10, 1911, and also repealing an act entitled "An act to amend the railroad commission act by amending section fifteen thereof relating to powers and duties of the railroad commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all acts and parts of acts inconsistent with the provisions of this act.

[Approved December 23, 1911.]

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

Title and
application.

SECTION 1. This act shall be known as the "Public Utilities Act" and shall apply to the public utilities and public services herein described and to the commission herein referred to.

Definitions—
commission.

SEC. 2. (a) The term "commission," when used in this act, means the Railroad Commission of the State of California.

Commis-
sioner.

(b) The term "commissioner," when used in this act, means one of the members of the commission.

Corporation.

(c) The term "corporation," when used in this act, includes a corporation, a company, an association and a joint-stock association.

(d) The term "person," when used in this act, includes an individual, a firm and a copartnership. Person.

(e) The term "transportation of persons," when used in this act, includes every service in connection with or incidental to the safety, comfort or convenience of the person transported and the receipt, carriage and delivery of such person and his baggage. Transportation of persons.

(f) The term "transportation of property," when used in this act, includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, damage, storage and handling, and the transmission of credit by express corporations. Transportation of property.

(g) The term "street railroad," when used in this act, includes every railway, and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city and county, or city or town, together with all real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property; but the term "street railroad," when used in this act, shall not include a railway constituting or used as a part of a commercial or interurban railway. Street railroad.

(h) The term "street railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this state. Street railroad corporation.

(i) The term "railroad," when used in this act, includes every commercial, interurban and other railway other than a street railroad, and each and every branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property. Railroad.

(j) The term "railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this state. Railroad corporation.

(k) The term "express corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage or auto stage line within this state. Express corporation.

(l) The term "common carrier," when used in this act, includes every railroad corporation; street railroad corporation;

express corporation; dispatch, sleeping car, dining car, drawing room car, freight, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this state; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this state or upon the high seas, over regular routes between points within this state.

Pipe line.

(m) The term "pipe line," when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of crude oil or other fluid substances except water through pipe lines.

Pipe line corporation.

(n) The term "pipe line corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any pipe line for compensation within this state.

Gas plant.

(o) The term "gas plant," when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas (natural or manufactured) for light, heat or power.

Gas corporation.

(p) The term "gas corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation within this state, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

Electric plant.

(q) The term "electric plant," when used in this act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, and all conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

Electrical corporation.

(r) The term "electrical corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any electric plant for compensation within this state, except where electricity is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(s) The term "telephonic line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires. Telephone line.

(l) The term "telephone corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telephone line for compensation within this state. Telephone corporation.

(u) The term "telegraph line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires. Telegraph line.

(v) The term "telegraph corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telegraph line for compensation within this state. Telegraph corporation.

(w) The term "water system," when used in this act, includes all reservoirs, tunnels, shafts, dams, dikes, head-gates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for power, irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use. Water system.

(x) The term "water corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system for compensation within this state. Water corporation.

(y) The term "vessel," when used in this act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property. Vessel.

(z) The term "wharfinger," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this state. Wharfinger.

(aa) The term "warehouseman," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure Warehouseman.

in which property is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger.

Public utility.

(bb) The term "public utility," when used in this act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger and warehouseman, as those terms are defined in this section, and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this act.

Commission, how constituted.

SEC. 3. (a) The railroad commission shall consist of five members, who shall be appointed by the governor from the state at large; *provided*, that the three commissioners in office on the tenth day of October, nineteen hundred and eleven, shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the governor to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, excepting that of the commissioner first appointed after the expiration of said term one shall be appointed to hold office until the first day of January, nineteen hundred and seventeen, two until the first day of January, nineteen hundred and nineteen, and two until the first day of January, nineteen hundred and twenty-one. The commissioners shall elect one of their number president of the commission.

Term of office.

President.

Vacancy, how filled.

(b) Whenever a vacancy in the office of commissioner shall occur, the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. The legislature, by a two-thirds vote of all members elected to each house, may remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency.

Removal of commissioner.

Attorney to commission.

SEC. 4. The commission shall have power to appoint as attorney to the commission an attorney at law of this state, who shall hold office during the pleasure of the commission. It shall be the right and the duty of the attorney to represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this act or under any order or act of the commission; and, if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute and expedite the final determination of all actions and proceedings directed or authorized by the commission; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and the members thereof; and generally to perform all duties and services as attorney to the commission which the commission may require of him.

SEC. 5. The commission shall appoint a secretary, who shall

hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants and notices, and to perform such other duties as the commission may prescribe. The commission may appoint an assistant secretary, who shall have all the powers conferred by law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county or city and county of this state.

Secretary and assistant secretary.

SEC. 6. The commission shall have power to employ, during its pleasure, such officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees as it may deem necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the commission.

Employees of commission.

SEC. 7. Each commissioner and each person appointed to a civil executive office by the commission shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. Each commissioner shall be a qualified elector of this state, and no person in the employ of or holding any official relation to any corporation or person, which said corporation or person is subject in whole or in part to regulation by the commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of commissioner or be appointed or employed by the commission; *provided*, that if any such person shall become the owner of such stocks or bonds or become pecuniarily interested in such corporation otherwise than voluntarily, he shall within a reasonable time divest himself of such ownership or interest; failing to do so, his office or employment shall become vacant.

Qualifications for commissioners and employees.

SEC. 8. (a) The office of the commission shall be in the city and county of San Francisco. The office shall always be open, legal holidays and non-judicial days excepted. The commission shall hold its sessions at least once in each calendar month in said city and county of San Francisco, and may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties. For the purpose of holding sessions in places other than the city and county of San Francisco, the commission shall have power to rent quarters or offices, and the expense thereof and in connection therewith shall be paid in the same manner as other expenses authorized by this act. The sessions of the commission shall be public.

Offices, and meetings of the commission.

(b) The commission shall have a seal, bearing the following inscription: "Railroad Commission State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

Sessions to be public.

Seal.

(c) The commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, and the same shall be paid for in the same manner as other expenses authorized by this act.

Office equipment.

Quorum.

SEC. 9. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the commission. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission: but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every finding, order or decision made by a commissioner so designated, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the finding, order or decision of the commission.

When
single com-
missioner
may act.

Salaries.

SEC. 10. (a) The annual salary of each commissioner shall be six thousand (6,000) dollars. All officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The commissioners, attorney, secretary, rate expert and assistant secretary shall be civil executive officers and their salaries as fixed by law or the commission shall be paid in the same manner as are the salaries of other state officers. The salary or compensation of every other person holding office or employment under the commission shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control.

Expenses.

(b) All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the commissioners, their officers and employees, incurred while on business of the commission, shall be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control.

Free trans-
portation for
commis-
sioners and
employees.

SEC. 11. The commissioners and the officers and employees of the commission, shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroads, cars, vessels and other vehicles of every common carrier, as said term is defined in this act, subject in whole or in part to control or regulation by the commission, between points within this state, and such persons shall not be denied the right to travel upon any railroad, car, vessel or other vehicle of such common carrier, whether such railroad, car, vessel or other vehicle be used for the transportation of passengers or freight, and regardless of its class.

Annual
report.

SEC. 12. The commission shall make and submit to the governor on or before the first day of December of each year subsequent to the year nineteen hundred and twelve, a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with such

other facts, suggestions, and recommendations as it may deem of value to the people of the state.

SEC. 13. (a) All charges made, demanded or received by any public utility, or by any two or more public utilities, for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such product or commodity or service is hereby prohibited and declared unlawful.

Charges by public utility must be reasonable.

(b) Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employes and the public, and as shall be in all respects adequate, efficient, just and reasonable.

Sufficient equipment must be provided.

(c) All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

Rules must be reasonable.

SEC. 14. (a) Every common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges and classifications for the transportation between termini within this state of persons and property from each point upon its route to all other points thereon; and from each point upon its route to all points upon every other route leased, operated or controlled by it; and from each point on its route or upon any route leased, operated or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, fares, charges and classifications applicable to the through transportation. The schedules printed as aforesaid shall plainly state the places between which property and persons will be carried, and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect or determine any part, or the aggregate of, such rates, fares, charges and classifications, or the value of the service rendered to the passenger, shipper or consignee. Subject to such rules and regulations as the commission may prescribe, such schedules shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transportation, when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets or tickets for sleeping, parlor car or other train accommodations are sold or bills of lading or waybills or receipts for property are issued. Any or

Schedules of common carriers.

Contents of schedules.

Schedules to be exhibited in designated places.

all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rates, fares, rules or regulations in force, shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the commission and shall conform in the case of common carriers subject to the act of congress entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedules prescribed by the interstate commerce commission under said act.

Form of
schedules.

Schedules
of public
utilities
other than
common
carriers.

Limitation
on rates to
be fixed
by public
utilities.

(b) Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. The rates, tolls, rentals and charges shown on such schedules when filed by a public utility as to which the commission by this act acquires the power to fix any rates, tolls, rentals or charges, shall not, within any portion of the territory as to which the commission acquires as to such public utility such power, exceed the rates, tolls, rentals or charges in effect on the tenth day of October, nineteen hundred and eleven; the rates, tolls, rentals and charges shown on such schedules, when filed by any public utility as to any territory as to which the commission does not by this act acquire as to such public utility such power, shall not exceed the rates, tolls, rentals and charges in effect at the time the commission acquires as to such territory and as to such public utility the power to fix rates, tolls, rentals or charges. Nothing in this section contained shall prevent the commission from approving or fixing rates, tolls, rentals or charges, from time to time, in excess of or less than those shown by said schedules.

Changes in
form, etc.,
of schedules.

(c) The commission shall have power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this section as it may find expedient, and to modify the requirements of any of its orders, rules or regulations in respect to any matter in this section referred to.

Changes in
rates— notice
to the com-
mission and
to the public.

SEC. 15. Unless the commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, except after

thirty days' notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge or classification, or in any form of contract or agreement or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the commission, by some character to be designated by the commission, immediately preceding or following the item.

SEC. 16. The names of the several public utilities which are parties to any joint tariff, rate, fare, toll, contract, classification or charge shall be specified in the schedule or schedules showing the same. Unless otherwise ordered by the commission, a schedule showing such joint tariff, rate, fare, toll, contract, classification or charge need be filed with the commission by only one of the parties to it; *provided*, that there is also filed with the commission in such form as the commission may require a concurrence in such joint tariff, rate, fare, toll, contract, classification or charge by each of the other parties thereto.

Joint schedules, names of parties must appear.

SEC. 17. (a) 1. No common carrier subject to the provisions of this act shall engage or participate in the transportation of persons or property, between points within this state, until its schedules of rates, fares, charges and classifications shall have been filed and published in accordance with the provisions of this act.

Filing of schedules, condition precedent to doing business.

2. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time: nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified, except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

Charges must be uniform and in accordance with schedules.

3. No common carrier subject to the provisions of this act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced-rate transportation for passengers between points within this state, except to its officers, agents, employees, attorneys, physicians and surgeons, and members of

Limitations on issuance by common carriers of free or reduced-rate transportation.

their families; to ministers of religion, traveling secretaries of railroad men's religious associations, or executive officers, organizers or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association; inmates of hospitals or charitable or eleemosynary institutions, and persons exclusively engaged in charitable or eleemosynary work, and persons and property engaged or employed in educational work or scientific research when permitted by the commission; to the executive officers of mercantile or promotion boards or bodies within this state when traveling in the performance of duties affecting the advancement of the business of such boards or bodies, or the development of trade or industry within or without this state, when authorized by the commission; to hotel employees of season resort hotels, when authorized by the commission; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers, going and returning, of live stock, poultry, milk, fruit and other freight, under uniform and non-discriminatory regulations; to employees of sleeping car corporations, express corporations and telegraph and telephone corporations; to railway mail service employees, United States internal revenue officers, post office inspectors, customs officers and inspectors and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons; *provided*, that the term "employees," as used in this section, shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such carrier, ex-employees traveling for the purpose of entering the service of any such carrier, and the remains of persons dying while in the employment of any such carrier; and the term "families," as used in this section, shall include the families of those persons heretofore named in this proviso, the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such carrier; *and provided, further*, that no free ticket, free pass or free or reduced-rate transportation shall be issued, given or tendered to any officer, agent or employe of a common carrier, who is at the same time a shipper or receiver of freight, or an officer, agent or employe of a shipper or receiver of freight, unless such officer, agent or employe devotes substantially his entire time to the service of such carrier; *and provided, further*, that the members of the railroad commission, their officers and employes, shall be entitled, when in the performance of their official duties, to free transportation

Analysis
of term
"employees."

Analysis
of term
"families."

Commission
entitled to
transportation.

over the lines of all common carriers within this state; *and provided, further*, that passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject however to such reasonable restrictions as the commission may impose.

Transportation in exchange for advertising.

Nothing in this act contained shall be construed to prohibit the issue by express corporations of free or reduced-rate transportation for express matter to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the interchange of free or reduced-rate transportation for passengers or express matter between common carriers, their officers, agents, employees, attorneys, physicians and surgeons, and members of their families; *provided*, that such express matter be for the personal use of the person to or for whom such free or reduced-rate transportation is granted, or of his family: nor to prohibit the issue of passes or franks by telegraph or telephone corporations to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the exchange of passes or franks between such telegraph and telephone corporations or between such corporations and such common carriers, for their officers, agents, employees, attorneys, physicians and surgeons, and members of their families: nor to prevent the carrying out of contracts for free or reduced-rate passenger transportation heretofore made, founded upon adequate consideration and lawful when made: nor to prevent a common carrier from transporting, storing or handling, free or at reduced rates, the household goods and personal effects of its employees, of persons entering or leaving its service, and of persons killed or dying while in its service.

Allowance in certain cases of free or reduced-rate transportation.

Exchange of privileges between certain corporations.

Carrying out of previous contracts.

4. Every common carrier subject to the provisions of this act may transport, free or at reduced rates, persons or property for the United States, state, county or municipal governments, or for charitable purposes, or to provide relief in cases of general epidemic, pestilence or other calamitous visitation, and property to or from fairs or expositions for exhibit thereat; also contractors and their employees, material or supplies for use or engaged in carrying out their contracts with said carriers, for construction, operation or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced-rate transportation is provided for in the specifications upon which the contract is based and in the contract itself. Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

Certain conditions under which free or reduced-rate transportation may be issued.

(b) Except as in this section otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable

No exceptions to be made to schedule charges, unless authorized by the commission.

to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; *provided*, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

Schedules of rates between points within and without the state.

SEC. 18. Every common carrier and every telegraph and telephone corporation shall print and file or cause to be filed with the commission schedules showing all the rates, fares, tolls, rentals, charges and classifications for the transportation of persons or property or the transmission of messages or conversations between all points within this state and all points without the state upon its route, and between all points within this state and all points without the state upon every route leased, operated or controlled by it, and between all points on its route or upon any route, leased, operated or controlled by it within this state and all points without the state upon the route of any other common carrier or telegraph or telephone corporation, whenever a through route and joint rate shall have been established between any two such points.

No preference or advantage to be given, and no unreasonable difference made in rates.

SEC. 19. No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section.

Economies, efficiencies or improvements not prohibited.

SEC. 20. Nothing in this act shall be taken to prohibit any public utility from itself profiting, to the extent permitted by the commission, from any economies, efficiencies or improvements which it may make, and from distributing by way of dividends, or otherwise disposing of, the profits to which it may be so entitled, and the commission is authorized to make or permit such arrangement or arrangements with any public utility as it may deem wise for the purpose of encouraging economies, efficiencies or improvements and securing to the public utility making the same such portion, if any, of the profits thereof as the commission may determine.

Sliding scale of charges allowable in certain cases.

SEC. 21. Nothing in this act shall be taken to prohibit a corporation or person engaged in the production, generation, transmission or furnishing of heat, light, water or power, or telegraph or telephone service, from establishing a sliding scale of charges; *provided*, that a schedule showing such scale of charges shall first have been filed with the commission and such schedule and each rate set out therein approved by it.

Nothing in this act shall be taken to prohibit any such corporation or person from entering into an arrangement for a fixed period for the automatic adjustment of charges for heat, light, water or power, or telegraph or telephone service, in relation to the dividends to be paid to stock holders of such corporation, or the profit to be realized by such person; *provided*, that a schedule showing the scale of charges under such arrangement shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this section shall prevent the commission from revoking its approval at any time and fixing other rates and charges for the product or commodity or service, as authorized by this act.

SEC. 22. (a) Every common carrier shall afford all reasonable, proper and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage and cars, loaded or empty, between the lines owned, operated, controlled or leased by it and the lines of every other common carrier, and shall make such interchange and transfer promptly without discrimination between shippers, passengers or carriers either as to compensation charged, service rendered or facilities afforded. Every railroad corporation shall receive from every other railroad corporation, at any point of connection, freight cars of proper standard and in proper condition, and shall haul the same either to destination, if the destination be upon a line owned, operated or controlled by such railroad corporation, or to point of transfer according to route billed, if the destination be upon the line of some other railroad corporation.

Common carrier to afford proper facilities for interchange of traffic with other carriers.

Nothing in this section contained shall be construed as in anywise limiting or modifying the duty of a common carrier to establish joint rates, fares and charges for the transportation of passengers and property over the lines owned, operated, controlled or leased by it and the lines of other common carriers, nor as in any manner limiting or modifying the power of the commission to require the establishment of such joint rates, fares and charges.

Duty to establish joint rates.

(b) Every telephone corporation and telegraph corporation operating in this state shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telephone or telegraph corporation with whose line a physical connection may have been made.

Service between telephone or telegraph corporations.

SEC. 23. (a) No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall, by means of known false billing, classification, weight, weighing, or report of weight, or by any other device or means assist, suffer or permit any corporation or person to obtain transportation for any person or property between points within this state at less than the rates and fares then established and in force as shown by the schedules filed and in effect at the time. No person, corporation, or any officer, agent or employee of a corporation shall, by means of false billing, false or incorrect classification, false weight or weighing, false representation as

False billing, etc., forbidden.

to contents or substance of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees, seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor.

False
claims
for damages
forbidion.

(b) No person or corporation, or any officer, agent or employee of a corporation, shall knowingly, directly or indirectly, by any false statement or representation as to cost or value, or the nature or extent of an injury, or by the use of any false billing, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit or deposition, or upon any false, fictitious or fraudulent statement or entry, obtain or attempt to obtain any allowance, rebate or payment for damage, in connection with or growing out of the transportation of persons or property, or an agreement to transport such persons or property, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees; nor shall any common carrier, or any officer, agent or employee thereof, knowingly pay or offer to pay any such allowance, rebate or claim for damage.

Rates for
long and
short haul
by common
carrier.

SEC. 24. (a) No common carrier subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance over the same line or route in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates; but this shall not be construed as authorizing any such common carrier to charge or receive as great a compensation for a shorter as for a longer distance or haul. Upon application to the commission, such common carrier may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section.

Rates for
long and
short dis-
tance service
by telephone
and tele-
graph cor-
porations.

(b) No telephone or telegraph corporation subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates or tolls subject to the provisions of this act; but this shall not be construed as authorizing any such telephone or telegraph corporation to charge and receive as great a compensation for a shorter as for a longer distance. Upon application to the commission, a telephone or telegraph corporation may, in special cases, after investigation, be authorized by the commission to charge less

for a longer than for a shorter distance service for the transmission of messages or conversations, and the commission may from time to time prescribe the extent to which such telephone or telegraph corporation may be relieved from the operation and requirements of this section.

SEC. 25. (a) Every railroad corporation, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, for a connection between the railroad of such railroad corporation and any existing or contemplated private track, tracks or railroad of such corporation or person, shall make such connection and provide such switches and tracks as may be necessary for that purpose and deliver and receive cars thereover; *provided*, that such connection is reasonably practicable and can be installed and used without materially increasing the hazard of the operation of the railroad with which such connection is sought, and that the business which may reasonably be expected to be received by such railroad corporation over such connection is sufficient to justify the expense of such connection to such railroad corporation.

Connection to be made between railroads at request of shipper.

(b) Under the conditions specified in the proviso in subsection (a) hereof, every railroad corporation, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, shall construct upon its right of way a spur or spurs for the purpose of receiving and delivering freight thereby, and shall receive and deliver freight thereby.

Construction of spur tracks on application of shipper.

SEC. 26. No foreign corporation, other than those which by a compliance with the laws of this state are entitled to transact a public utility business within this state, shall henceforth transact within this state any public utility business, nor shall any foreign corporation which is at present lawfully transacting business within this state henceforth transact within this state any public utility business of a character different from that which it is at present authorized by its charter or articles of incorporation to transact, nor shall any license, permit or franchise to own, control, operate or manage any public utility business or any part or incident thereof be henceforth granted or transferred, directly or indirectly, to any foreign corporation which is not at present lawfully transacting within this state a public utility business of like character; *provided*, that foreign corporations engaging in commerce with foreign nations or commerce among the several states of this Union may transact within this state such commerce and intrastate commerce of a like character.

Conduct of public utility business by foreign corporations.

SEC. 27. No street or interurban railroad corporation shall charge, demand, collect or receive more than five cents for one continuous ride in the same general direction within the corporate limits of any city and county, or city or town, except upon a showing before the commission that such greater charge is justified; *provided*, that until the decision of the commission upon such showing, a street or interurban railroad corporation

Limitation on rates charged by street railroads.

Transfers.

may continue to demand, collect and receive the fare in effect on October 10, 1911, or at the time the commission acquires as to such corporation the power to fix fares within such city and county, or city or town. Every street or interurban railroad corporation shall upon such terms as the commission shall find to be just and reasonable furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city and county, or city or town, not reached by the originating car.

Information to be furnished to commission.

SEC. 28. (a) Every public utility shall furnish to the commission in such form and such detail as the commission shall prescribe all tabulations, computations and all other information required by it to carry into effect any of the provisions of this act, and shall make specific answers to all questions submitted by the commission.

Blanks to be filled out by public utility.

(b) Every public utility receiving from the commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case it is unable to answer any question, it shall give a good and sufficient reason for such failure.

Copies of documents to be furnished as required.

(c) Whenever required by the commission, every public utility shall deliver to the commission copies of any or all maps, profiles, contracts, agreements, franchises, reports, books, accounts, papers and records in its possession or in any way relating to its property or affecting its business, and also a complete inventory of all its property in such form as the commission may direct.

Information to be communicated unless otherwise directed.

(d) No information furnished to the commission by a public utility, except such matters as are specifically required to be open to public inspection by the provisions of this act, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any such information shall be guilty of a misdemeanor.

Periodical reports by public utility.

SEC. 29. Every public utility shall annually furnish to the commission at such time and in such form as the commission may require a report in which the utility shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information. The commission shall have authority to require any public utility to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special reports concerning any matter about which the commission is authorized by this or any other act to inquire or to keep itself informed, or which it is required to enforce. All reports shall be under oath when required by the commission.

SEC. 30. Every public utility shall obey and comply with each and every requirement of every order, decision, direction,

rule or regulation made or prescribed by the commission in the matters herein specified, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.

Requirements of commission to be strictly observed.

SEC. 31. The railroad commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in the state and to do all things, whether herein specifically designated or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

Power and jurisdiction of commission.

SEC. 32. (a) Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares, tolls, rentals, charges or classifications, or any of them, demanded, observed, charged or collected by any public utility for any service or product or commodity, or in connection therewith, including the rates or fares for excursion or commutation tickets, or that the rules, regulations, practices or contracts, or any of them, affecting such rates, fares, tolls, rentals, charges or classifications, or any of them, are unjust, unreasonable, discriminatory or preferential, or in anywise in violation of any provision of law, or that such rates, fares, tolls, rentals, charges or classifications are insufficient, the commission shall determine the just, reasonable or sufficient rates, fares, tolls, rentals, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

Commission to determine what are just rates.

(b) The commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts and practices, or any thereof, of any public utility, and to establish new rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts or practices, or schedule or schedules, in lieu thereof.

Power to fix new rates and schedules.

SEC. 33. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares or charges in force over two or more common carriers, between any two points in this state, are unjust, unreasonable or excessive, or that no satisfactory through route or joint rate, fare or charge exists between such points, and that the public convenience and necessity demand the establishment of a through route and joint rate, fare or charge between such points, the commission may order such common carriers to establish such through route and may establish and fix a joint rate, fare or charge which will be fair, just, reasonable and sufficient, to be followed, charged, enforced, demanded and collected in the future, and the terms and conditions under which such through route shall be operated. The commission may order that freight moving between such points shall be carried by the different common carriers, parties to such through route

Commission may establish through routes and fix joint rates for common carriers within this state.

and joint rate, without being transferred from the originating cars. In case the common carriers do not agree upon the division between them of the joint rates, fares or charges established by the commission over such through routes, the commission shall, after hearing, by supplemental order, establish such division; *provided*, that where any railroad which is made a party to a through route has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad shall have the right to require as its division of the joint rate, fare or charge its local rate, fare or charge over the portion of its line comprised in such through route, and the commission may, in its discretion, allow to such railroad more than its local rate, fare, or charge whenever it will be equitable so to do. The commission shall have the power to establish and fix through routes and joint rates, fares or charges over common carriers and stage or auto stage lines and to fix the division of such joint rates, fares or charges.

Stage or
auto stage
lines.

Interstate
rates, inves-
tigation by
commission.

SEC. 34. The commission shall have the power to investigate all existing or proposed interstate rates, fares, tolls, charges and classifications, and all rules and practices in relation thereto, for or in relation to the transportation of persons or property or the transmission of messages or conversations, where any act in relation thereto shall take place within this state; and when the same are, in the opinion of the commission, excessive or discriminatory or in violation of the act of congress entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, or of any other act of congress, or in conflict with the rulings, orders or regulations of the Interstate Commerce Commission, the commission may apply by petition or otherwise to the Interstate Commerce Commission or to any court of competent jurisdiction for relief.

Determina-
tion of just
rules and
regulations,
and proper
equipment
and service.

SEC. 35. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rules, regulations, practices, equipment, appliances, facilities or service of any public utility, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the commission shall determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, service or methods to be observed, furnished, constructed, enforced or employed and shall fix the same by its order, rule or regulation. The commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility, and, on proper demand and tender of rates, such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules.

SEC. 36. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to, or changes in, the

existing plant, equipment, apparatus, facilities or other physical property of any public utility or of any two or more public utilities ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the commission shall make and serve an order directing that such additions, extensions, repairs, improvements or changes be made or such structure or structures be erected in the manner and within the time specified in said order. If the commission orders the erection of a new structure, it may also fix the site thereof. If any additions, extensions, repairs, improvements or changes, or any new structure or structures which the commission has ordered to be erected, require joint action by two or more public utilities, the commission shall notify the said public utilities that such additions, extensions, repairs, improvements or changes or new structure or structures have been ordered and that the same shall be made at their joint cost, whereupon the said public utilities shall have such reasonable time as the commission may grant within which to agree upon the portion or division of cost of such additions, extensions, repairs, improvements or changes or new structure or structures, which each shall bear. If at the expiration of such time such public utilities shall fail to file with the commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs, improvements or changes, or new structure or structures, the commission shall have authority, after further hearing, to make an order fixing the proportion of such cost or expense to be borne by each public utility and the manner in which the same shall be paid or secured.

Additions or changes in physical property of public utilities may be ordered.

SEC. 37. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any railroad corporation or street railroad corporation does not run a sufficient number of trains or cars, or possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger or freight, transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop the same at proper places, or does not run any train or trains, car or cars, upon a reasonable time schedule for the run, the commission shall have power to make an order directing any such railroad corporation or street railroad corporation to increase the number of its trains or of its cars or its motive power or to change the time for starting its trains or cars or to change the time schedule for the run of any train or car, or to change the stopping place or places thereof, or to make any other order that the commission may determine to be reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation.

Regulation of cars and trains, motive power, time schedules and stopping places.

SEC. 38. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the public convenience and necessity would be subserved by having

Connections may be ordered between tracks of railroad or street railroad corporations.

connections made between the tracks of any two or more railroad or street railroad corporations, so that cars may readily be transferred from one to the other, at any of the points hereinafter in this section specified, the commission may order any two or more such corporations owning, controlling, operating or managing tracks of the same gauge to make physical connections at any and all crossings, and at all points where a railroad or street railroad shall begin or terminate or run near to any other railroad or street railroad. After the necessary franchise or permit has been secured from the city and county, or city or town, the commission may likewise order such physical connection, within such city and county, or city or town, between two or more railroads which enter the limits of the same. The commission shall by order direct whether the expense of the connections referred to in this section shall be borne jointly or otherwise.

Railroad corporation refusing to provide connection or spur may be required to do so.

SEC. 39. (a) Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that application has been made by any corporation or person to a railroad corporation for a connection or spur as provided in section 25 of this act, and that the railroad corporation has refused to provide such connection or spur and that the applicant is entitled to have the same provided for him under said section 25, the commission shall make an order requiring the providing of such connection or spur and the maintenance and use of the same upon reasonable terms which the commission shall have the power to prescribe. Whenever any such connection or spur has been so provided, any corporation or person shall be entitled to connect with the private track, tracks or railroad thereby connected with the railroad of the railroad corporation and to use the same or to use the spur so provided upon payment to the party or parties incurring the primary expense of such private track, tracks or railroad, or the connection therewith or of such spur, of a reasonable proportion of the cost thereof to be determined by the commission after notice to the interested parties and a hearing thereon; *provided*, that such connection and use can be made without unreasonable interference with the rights of the party or parties incurring such primary expense.

Must switch cars of connecting corporation.

(b) The commission shall likewise have the power to require one railroad corporation to switch to private spurs and industrial tracks upon its own railroad the cars of a connecting railroad corporation and to prescribe the terms and compensation for such service.

Connections between telephone or telegraph lines and joint rates may be established.

SEC. 40. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that a physical connection can reasonably be made between the lines of two or more telephone corporations or two or more telegraph corporations whose lines can be made to form a continuous line of communication, by the construction and maintenance of suitable connections for the transfer of messages or conversations, and that public convenience and necessity will be subserved

thereby, or shall find that two or more telegraph or telephone corporations have failed to establish joint rates, tolls or charges for service by or over their said lines, and that joint rates, tolls or charges ought to be established, the commission may, by its order, require that such connection be made, except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city and county, or city or town, and that conversations be transmitted and messages transferred over such connection under such rules and regulations as the commission may establish, and prescribe through lines and joint rates, tolls and charges to be made, and to be used, observed and in force in the future. If such telephone or telegraph corporations do not agree upon the division between them of the cost of such physical connection or connections or the division of the joint rates, tolls or charges established by the commission over such through lines, the commission shall have authority, after further hearing, to establish such division by supplemental order.

SEC. 41. Whenever the commission, after a hearing had upon its own motion or upon complaint of a public utility affected, shall find that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes or other equipment, or any part thereof, on, over, or under any street or highway, and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the commission may by order direct that such use be permitted, and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment for such damage as may result therefrom to the property of such owner or other users thereof.

Public utility may be required to allow another to use equipment.

SEC. 42. The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every public utility to maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signalling, to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand.

Equipment must be kept in satisfactory condition.

Crossings.

SEC. 43. (a) No public road, highway or street shall hereafter be constructed across the track of any railroad corporation at grade, nor shall the track of any railroad corporation be constructed across a public road, highway or street at grade, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade, nor shall the track of a street railroad corporation be constructed across the track of a railroad corporation at grade, without having first secured the permission of the commission; *provided*, that this subsection shall not apply to the replacement of lawfully existing tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe.

Manner and grade of crossings to be determined by commission.

(b) The commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each crossing of one railroad by another railroad or street railroad, and of a street railroad by a railroad, and of each crossing of a public road or highway by a railroad or street railroad and of a street by a railroad or *vice versa*, subject to the provisions of section 2694 of the Political Code, so far as applicable, and to alter or abolish any such crossing, and to require where, in its judgment, it would be practicable, a separation of grades at any such crossing heretofore or hereafter established and to prescribe the terms upon which such separation shall be made and the proportions in which the expense of the alteration or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations affected or between such corporations and the state, county, municipality or other public authority in interest.

Investigation of accidents by commission.

SEC. 44. The commission shall investigate the cause of all accidents occurring within this state upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and shall have the power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable; *provided*, that neither the order or recommendation of the commission nor any accident report filed with the commission shall be admitted as evidence in any action for damages based on or arising out of the loss of life, or injury to person or property, in this section referred to. Every public utility is hereby required to file with the commission, under such rules and regulations as the commission may prescribe, a report of each accident so occurring of such kinds or classes as the commission may from time to time designate.

Accidents to be reported by public utility.

Handling of freight: equipment; time of loading and unloading.

SEC. 45. (a) The commission shall have power to provide by proper rules and regulations the time within which all railroad corporations shall furnish, after demand therefor, all cars, equipment and facilities necessary for the handling of

freight in carload and less than carload lots, the time within which consignors or persons ordering cars shall load the same, and the time within which consignees or persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight rooms, and to provide penalties to be paid for failure on the part of the railroad corporations, consignors and consignees to conform to such rules. Charges for demurrage shall be uniform so that the same penalty shall be paid by both shipper or consignee and railroad corporation for an equal number of cars for each day for which demurrage is charged.

Demurrage.

(b) The commission shall also have power to provide the time within which express packages shall be received, gathered, transported and delivered at destination, and the limits within which express packages shall be gathered and distributed and telegraph and telephone messages delivered without extra charge.

Express packages; telegraph and telephone messages.

SEC. 46. (a) The commission shall have power, after hearing had upon its own motion or upon complaint, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed by all electrical, gas and water corporations; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product, commodity or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such product, commodity or service and for the measurement thereof; to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements; and to provide for the examination and testing of any and all appliances used for the measurement of any product, commodity or service of any such public utility.

Electricity, gas and water: measurements, standards of quality, and manner of service.

(b) The commissioners and their officers and employees shall have power to enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this act, and to set up and use on such premises any apparatus and appliances necessary therefor. The agents and employees of such public utility shall have the right to be present at the making of such examinations and tests.

Authority to enter premises of public utility.

(c) Any consumer or user of any product, commodity or service of a public utility may have any appliance used in the measurement thereof tested upon paying the fees fixed by the commission. The commission shall establish and fix reasonable fees to be paid for testing such appliances on the request of the consumer or user, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance is found defective or incorrect to the disadvantage of the consumer or user, under such rules and regulations as may be prescribed by the commission.

Consumer may have appliance tested.

Valuations
of property.

SEC. 47. The commission shall have power to ascertain the value of the property of every public utility in this state and every fact which in its judgment may or does have any bearing on such value. The commission shall have power to make revaluations from time to time and to ascertain all new construction, extensions and additions to the property of every public utility.

General
supervision
of accounts
of public
utilities.

SEC. 48. The commission shall have power to establish a system of accounts to be kept by the public utilities subject to its jurisdiction, or to classify said public utilities and to establish a system of accounts for each class, and to prescribe the manner in which such accounts shall be kept. It may also in its discretion prescribe the forms of accounts, records and memoranda to be kept by such public utilities, including the accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of moneys, and any other forms, records and memoranda which in the judgment of the commission may be necessary to carry out any of the provisions of this act. The system of accounts established by the commission and the forms of accounts, records and memoranda prescribed by it shall not be inconsistent, in the case of corporations subject to the provisions of the act of congress entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, with the systems and forms from time to time established for such corporations by the interstate commerce commission, but nothing herein contained shall affect the power of the commission to prescribe forms of accounts, records and memoranda covering information in addition to that required by the interstate commerce commission. The commission may, after hearing had upon its own motion or upon complaint, prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited. Where the commission has prescribed the forms of accounts, records or memoranda to be kept by any public utility for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state or of the United States, excepting such accounts, records or memoranda as shall be explanatory of and supplemental to the accounts, records or memoranda prescribed by the commission.

Depreciation
accounts.

SEC. 49. The commission shall have power, after hearing, to require any or all public utilities to carry a proper and adequate depreciation account in accordance with such rules, regulations and forms of account as the commission may prescribe. The commission may, from time to time, ascertain and determine and by order fix the proper and adequate rates of depreciation of the several classes of property of each public utility. Each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed, and shall set aside the moneys so provided for out of earnings and

carry the same in a depreciation fund and expend such fund only for such purposes and under such rules and regulations, both as to original expenditure and subsequent replacement as the commission may prescribe. The income from investments of moneys in such fund shall likewise be carried in such fund.

SEC. 50. (a) No street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation shall henceforth begin the construction of a street railroad, or of a line, plant or system, or of any extension of such street railroad, or line, plant, or system, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; *provided*, that this section shall not be construed to require any such corporation to secure such certificate for an extension within any city and county or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory either within or without a city and county or city or town, contiguous to its street railroad, or line, plant or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; *and provided, further*, that if any public utility, in constructing or extending its line, plant, or system, shall interfere or be about to interfere with the operation of the line, plant or system of any other public utility, already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable.

(b) No public utility of a class specified in subsection (a) hereof shall henceforth exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege; *provided*, that when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege; *and provided, further*, that this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this state.

(c) Before any certificate may issue, under this section, a certified copy of its articles of incorporation or charter, if the

Construction work to be undertaken only with approval of commission.

Interference between public utilities.

Exercise of right or privilege not heretofore exercised.

Hearing by
commission,
and issuance
of certificate
for construc-
tion or
operation.

applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise or permit of the proper county, city and county, municipal or other public authority. The commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated street railroad, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the commission for an order preliminary to the issue of the certificate. The commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate, after the public utility has obtained the contemplated franchise or permit. Upon the presentation to the commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the commission shall thereupon issue such certificate.

Property
or franchise
of public
utility to
be disposed
of only by
authority of
commission.

SEC. 51. (a) No railroad corporation, street railroad corporation, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation or water corporation shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its railroad, street railroad, line, plant or system, necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, nor by any means whatsoever, direct or indirect, merge or consolidate its railroad, street railroad, line, plant or system, or franchises or permits or any part thereof, with any other public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under section fifty of this act, or the sale, lease, assignment, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Nothing in this subsection contained shall be construed to prevent the sale, lease or other disposition by any public utility of a class designated in this subsection of property which is not necessary or useful

in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

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

Transfer
of stock
between
public
utilities.

SEC. 52. (a) The power of public utilities to issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness and to create liens on their property situated within this state is a special privilege, the right of supervision, regulation, restriction and control of which is and shall continue to be vested in the state, and such power shall be exercised as provided by law and under such rules and regulations as the commission may prescribe.

Stocks,
bonds, etc.

(b) A public utility may issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely, for the acquisition of property, or for the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidences of indebtedness of such public utility, within five years next prior to the filing of an application with the commission for the required authorization, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made; *provided*, that such public utility, in addition to the other requirements of law, shall first have secured from the commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order, and that, except as otherwise per-

Purposes
for which
may be
issued.

Must not
be issued
without
authoriza-
tion of com-
mission.

mitted in the order in the case of bonds, notes or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. To enable it to determine whether it will issue such order, the commission shall hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents and contracts and require the filing of such data as it may deem of assistance. The commission may by its order grant permission for the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary. The commission may authorize issues of bonds, notes or other evidences of indebtedness, less than, equivalent to or greater than the authorized or subscribed capital stock of a public utility corporation, and the provisions of sections 309 and 456 of the Civil Code of this state, in so far as they contain inhibitions against the creation by corporations of indebtedness, evidenced by bonds, notes or otherwise, in excess of their total authorized or subscribed capital stock shall have no application to public utility corporations. No public utility shall, without the consent of the commission, apply the issue of any stock or stock certificate, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or issue or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof. A public utility may issue notes, for proper purposes and not in violation of any provision of this act or any other act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates, or of bonds, notes of any term or character or any other evidence of indebtedness, without the consent of the commission. The commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right; nor shall any contract for consolidation or lease be capitalized, nor shall any public utility hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

(c) The commission shall have the power to require public utilities to account for the disposition of the proceeds of all sales of stocks and stock certificates, and bonds, notes and other evidences of indebtedness, in such form and detail as it may

Hearing by
commission
on question
of issuance.

Application
of issue
to specified
purposes.

Notes may
be issued
without
approval.

Capitaliza-
tion of cor-
porate right
or franchise.

Capitaliza-
tion of con-
solidation
or lease.

Accounting
for disposi-
tion of
proceeds.

deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

(d) All stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued without an order of the commission authorizing the same then in effect shall be void, and likewise all stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued with the authorization of the commission, but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void: but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission shall render void any stock or stock certificate, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice.

Stocks,
bonds, etc.,
unlawfully
issued shall
be void.

(e) Every public utility which, directly or indirectly, issues or causes to be issued, any stock or stock certificate, or bond, note or other evidence of indebtedness, in non-conformity with the order of the commission authorizing the same, or contrary to the provisions of this act, or of the constitution of this state, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the commission's order, as herein provided, or to any purpose specified in the commission's order in excess of the amount in said order authorized for such purpose, is subject to a penalty of not less than five hundred dollars nor more than twenty thousand dollars for each offense.

Penalty for
unlawful
issue or
disposition
of proceeds
by public
utility.

(f) Every officer, agent or employee of a public utility, and every other person who knowingly authorizes, directs, aids in, issues or executes, or causes to be issued or executed, any stock or stock certificate, or bond, note or other evidence of indebtedness, in non-conformity with the order of the commission authorizing the same, or contrary to the provisions of this act, or of the constitution of this state, or who, in any proceeding before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation, which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing the issue of any stock or stock certificate, or any bond, note or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission, in any proceeding, tending in any way to influence the commission to make such order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or stock certificate, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or

Personal
penalty
for participa-
tion in
unlawful
issuance or
disposition
of proceeds.

assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate, or bond, note or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this act, negotiates, or causes the same to be negotiated, shall be guilty of a felony.

State not
to guarantee
payment.

(g) No provision of this act, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the State of California to pay or guarantee, in any manner whatsoever, any stock or stock certificate, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this act.

Application
of act to
all issues.

(h) All stocks and stock certificates, and bonds, notes and other evidences of indebtedness issued by any public utility after this act takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had, or other proceedings taken or had, previous to the taking effect of this act, shall be void, unless an order of the commission authorizing the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness shall have been obtained from the commission prior to such issue. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary.

Rules for
hearings
and investi-
gations.

SEC. 53. All hearings and investigations before the commission or any commissioner shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission nor any commissioner shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission or any commissioner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission.

Power to
issue process.

SEC. 54. The commission and each commissioner shall have power to issue writs or summons, subpoenas, warrants of attachment, warrants of commitment and all necessary process in proceedings for contempt, in the like manner and to the same extent as courts of record. The process issued by the commission, or any commissioner, shall extend to all parts of the state and may be served by any person authorized to serve process of courts of record, or by any person designated for that purpose by the commission or a commissioner. The person executing any such process shall receive such compensation as may be allowed by the commission, not to exceed the fees now prescribed by law for similar services, and such fees shall be paid in the same manner as provided herein for payment of the fees of witnesses.

SEC. 55. (a) The commission and each commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state. Each witness who shall appear, by order of the commission or a commissioner, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the commission, his fees and mileage shall be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any witness subpoenaed except one whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission or commissioner, as directed in the subpoena. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable. No witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation.

General powers of examination.

Fees and mileage of witnesses.

(b) The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission or any commissioner shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including waybills, books, accounts and documents, as required by any subpoena issued by the commission or any commissioner. The commission or the commissioner before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission or commissioner, in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the commission. The court, upon the petition of the commission or such commissioner, shall enter an order directing the witness

Powers of superior court in relation to proceedings by commission.

to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or a commissioner, the court shall thereupon enter an order that said witness appear before the commission or said commissioner at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this subsection is cumulative, and shall not be construed to impair or interfere with the power of the commission or a commissioner to enforce the attendance of witnesses and the production of papers, and to punish for contempt in the same manner and to the same extent as courts of record.

Remedy
cumulative.

Depositions
of absent
witnesses.

(c) The commission or any commissioner or any party may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel the attendance of witnesses and the production of books, waybills, documents, papers and accounts.

Exemption
of witnesses
from prose-
cution.

(d) No person shall be excused from testifying or from producing any book, waybill, document, paper or account in any investigation or inquiry by or hearing before the commission or any commissioner, when ordered to do so, upon the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath have testified or produced documentary evidence; *provided*, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any public utility immunity of any kind.

Copies of
official docu-
ments or
orders may
be used in
like manner
as originals.

Sec. 56. (a) Copies of all official documents and orders filed or deposited according to law in the office of the commission, certified by a commissioner or by the secretary under the official seal of the commission to be true copies of the originals, shall be evidence in like manner as the originals.

(b) Every order, authorization or certificate issued or approved by the commission under any provision of sections 38, 39, 40, 41, 43, 50, 51 or 52 of this act shall be in writing and entered on the records of the commission. Any such order, authorization or certificate, or a copy thereof, or a copy of the record of any such order, authorization or certificate, certified by a commissioner or by the secretary under the official seal of the commission to be a true copy of the original order, authori-

zation, certificate or entry, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect.

SEC. 57. The commission shall charge and collect the following fees: for copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office, fifteen cents for each folio and one dollar for every certificate under seal affixed thereto; for certifying a copy of any report made by a public utility, two dollars; for each certified copy of the annual report of the commission, one dollar and fifty cents; for certified copies of evidence and proceedings before the commission, fifteen cents for each folio; for certificate authorizing an issue of bonds, notes or other evidences of indebtedness, one dollar for each thousand dollars of the face value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and twenty-five cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of two hundred and fifty dollars; *provided*, that no fee shall be required when such issue is made for the purpose of guaranteeing, taking over, refunding, discharging or retiring any bond, note or other evidence of indebtedness up to the amount of the issue guaranteed, taken over, refunded, discharged or retired. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid, at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "railroad commission fund," which fund is hereby created.

SEC. 58. The commission, each commissioner and each officer and person employed by the commission shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public utility, and the commission, each commissioner and any officer of the commission or any employee authorized to administer oaths shall have power to examine under oath any officer, agent or employee of such public utility in relation to the business and affairs of said public utility; *provided*, that any person other than a commissioner or an officer of the commission demanding such inspection shall produce under the hand and seal of the commission his authority

Fees collectible by the commission.

Creation of railroad commission fund.

Right to inspect accounts and documents and to examine employees of public utility.

to make such inspection; and *provided further*, that a written record of the testimony or statement so given under oath shall be made and filed with the commission.

Production of accounts and documents kept without this state.

SEC. 59. The commission may require, by order served on any public utility in the manner provided herein for the service of orders, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility in any office or place without this state, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the commission or under its direction.

Complaints against public utilities.

SEC. 60. Complaint may be made by the commission of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission; *provided*, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city and county, or city or town, if any, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers or prospective consumers or purchasers, of such gas, electricity, water or telephone service. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the corporation or person complained of. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom a summons may be served in accordance with the provisions of the Code of Civil Procedure of this state, and may be made personally or by mailing in a sealed envelope, registered, with postage prepaid. The commission shall fix the time when and place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that public necessity requires that such hearing be held at an earlier date.

Manner of making in case of certain corporations.

Service upon corporation of copy of complaint

Time set for hearing.

SEC. 61. (a) At the time fixed for any hearing before the commission or a commissioner, or the time to which the same may have been continued, the complainant and the corporation or person complained of, and such corporations or persons as the commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The commission shall issue process to enforce the attendance of all necessary witnesses. After the conclusion of the hearing, the commission shall make and file its order, containing its decision. A copy of such order, certified under the seal of the commission, shall be served upon the corporation or person complained of, or his or its attorney. Said order shall, of its own force, take effect and become operative twenty days after the service thereof, except as otherwise provided, and shall continue in force either for a period which may be designated therein or until changed or abrogated by the commission. If an order can not, in the judgment of the commission, be complied with within twenty days, the commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record of all proceedings had before the commission or any commissioner on any formal hearing had, and all testimony shall be taken down by a reporter appointed by the commission, and the parties shall be entitled to be heard in person or by attorney. In case of an action to review any order or decision of the commission, a transcript of such testimony, together with all exhibits or copies thereof introduced and all information secured by the commission on its own initiative and considered by it in rendering its order or decision, and of the pleadings, record and proceedings in the cause, shall constitute the record of the commission; *provided*, that on review of an order or decision of the commission, the petitioner and the commission may stipulate that a certain question or questions alone and a specified portion only of the evidence shall be certified to the supreme court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on review.

Hearing,
and order
of com-
mission.

Service
of order
upon cor-
poration.

Record of
proceedings.

Right of
representa-
tion at
hearing.

Record on
review.

SEC. 62. Any public utility shall have a right to complain on any of the grounds upon which complaints are allowed to be filed by other parties, and the same procedure shall be adopted and followed as in other cases, except that the complaint may be heard *ex parte* by the commission or may be served upon any parties designated by the commission.

Complaint
by public
utility.

SEC. 63. (a) No public utility shall raise any rate, fare, toll, rental or charge or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, under any circumstances whatsoever, except upon a showing before the commission and a finding by the commission that such increase is justified.

Increase
in charges
prohibited
unless by
finding of
commission.

(b) Whenever there shall be filed with the commission any schedule stating an individual or joint rate, fare, toll, rental,

Determina-
tion by com-
mission of
propriety of
schedule
submitted
by public
utility.

charge, classification, contract, practice, rule or regulation, not increasing or resulting in an increase in any rate, fare, toll, rental or charge, the commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleadings by the interested public utility or utilities, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, and pending the hearing and the decision thereon such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not go into effect; *provided*, that the period of suspension of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not extend beyond one hundred and twenty days beyond the time when such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation would otherwise go into effect unless the commission, in its discretion, extends the period of suspension for a further period not exceeding six months. On such hearing the commission shall establish the rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. All such rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations not so suspended shall, on the expiration of thirty days from the time of filing the same with the commission, or of such lesser time as the commission may grant, go into effect and be the established and effective rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules and regulations, subject to the power of the commission, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same.

Establiish-
ment of
regular
schedule.

Commis-sion
may rescind
or amend
prior orders.

SEC. 64. The commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it. Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original orders or decisions.

Orders,
when con-
clusive.

SEC. 65. In all collateral actions or proceedings, the orders and decisions of the commission which have become final shall be conclusive.

Rehearing
by com-
mission.

SEC. 66. After any order or decision has been made by the commission, any party to the action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected, may apply for a rehearing in respect to any matters determined in said action or proceeding and specified in the application for rehearing, and the commission may grant and hold such rehearing on said matters, if in its judgment sufficient reason therefor be made to appear. No cause of action arising out of any order or decision of the commission shall accrue in any court to any corporation or person

unless such corporation or person shall have made, before the effective date of said order or decision, application to the commission for a rehearing. Such application shall set forth specifically the ground or grounds on which the applicant considers said decision or order to be unlawful. No corporation or person shall in any court urge or rely on any ground not so set forth in said application. Any application for a rehearing made ten days or more before the effective date of the order as to which a rehearing is sought, shall be either granted or denied before such effective date, or the order shall stand suspended until such application is granted or denied. Any application for a rehearing made within less than ten days before the effective date of the order as to which a rehearing is sought, and not granted within twenty days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application. If any application for a rehearing be granted without a suspension of the order involved, the commission shall forthwith proceed to hear the matter with all despatch and shall determine the same within twenty days after final submission, and if such determination is not made within said time, it may be taken by any party to the rehearing that the order involved is affirmed. An application for rehearing shall not excuse any corporation or person from complying with and obeying any order or decision, or any requirement of any order or decision of the commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may by order direct. If, after such rehearing and a consideration of all the facts, including those arising since the making of the order or decision, the commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change or modify the same. An order or decision made after such rehearing abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission.

Time of making application, and effect thereof.

Application does not excuse from obeying order of commission.

Former decision may be abrogated, or modified.

Sec. 67. Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may apply to the supreme court of this state for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order or decision or the order or decision on rehearing inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record in the case to the court. On the return day, the cause shall be heard by the supreme court, unless for a good

Supreme court may review decision of commission.

Cause heard on record.

What may be determined on review.

Rules for review proceedings.

Supreme court only to have jurisdiction.

Suspension by supreme court of order of commission during pendency of review.

Suspending bond must be executed by public utility.

reason shown the same be continued. No new or additional evidence may be introduced in the supreme court, but the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the constitution of the United States or of the State of California. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review; such questions of fact shall include ultimate facts and the findings and conclusions of the commission on reasonableness and discrimination. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the supreme court shall enter judgment either affirming or setting aside the order or decision of the commission. The provisions of the code of civil procedure of this state relating to writs of review shall, so far as applicable and not in conflict with the provisions of this act, apply to proceedings instituted in the supreme court under the provisions of this section. No court of this state (except the supreme court to the extent herein specified) shall have jurisdiction to review, reverse, correct or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; *provided*, that the writ of mandamus shall lie from the supreme court to the commission in all proper cases.

SEC. 68. (a) The pendency of a writ of review shall not of itself stay or suspend the operation of the order or decision of the commission, but during the pendency of such writ, the supreme court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order or decision.

(b) No order so staying or suspending an order or decision of the commission shall be made by the supreme court otherwise than upon three days' notice and after hearing, and if the order or decision of the commission is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

(c) In case the order or decision of the commission is stayed or suspended, the order of the court shall not become effective until a suspending bond shall first have been executed and filed with, and approved by the commission (or approved, on review, by the supreme court), payable to the people of the State of California, and sufficient in amount and security to insure the prompt payment, by the party petitioning for the review, of all damages caused by the delay in the enforcement of the order or decision of the commission, and of all moneys which any person or corporation may be compelled to pay, pending the review proceedings, for transportation, transmission, product, com-

modity or service in excess of the charges fixed by the order or decision of the commission, in case said order or decision is sustained. The supreme court, in case it stays or suspends the order or decision of the commission in any matter affecting rates, fares, tolls, rentals, charges or classifications, shall also by order direct the public utility affected to pay into court, from time to time, there to be impounded until the final decision of the case, or into some bank or trust company paying interest on deposits, under such conditions as the court may prescribe, all sums of money which it may collect from any corporation or person in excess of the sum such corporation or person would have been compelled to pay if the order or decision of the commission had not been stayed or suspended.

Moneys involved must be paid into court.

(d) In case the supreme court stays or suspends any order or decision lowering any rate, fare, toll, rental, charge or classification, the commission, upon the execution and approval of said suspending bond, shall forthwith require the public utility affected, under penalty of the immediate enforcement of the order or decision of the commission (pending the review and notwithstanding the suspending order), to keep such accounts, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by such public utility, pending the review, in excess of the charges allowed by the order or decision of the commission, together with the names and addresses of the corporations or persons to whom overcharges will be refundable in case the charges made by the public utility, pending the review, be not sustained by the supreme court. The court may, from time to time, require said party petitioning for a review to give additional security on, or to increase the said suspending bond, whenever in the opinion of the court the same may be necessary to insure the prompt payment of said damages and said overcharges. Upon the final decision by the supreme court, all moneys which the public utility may have collected, pending the appeal in excess of those authorized by such final decision, together with interest, in case the court ordered the deposit of such moneys in a bank or trust company, shall be promptly paid to the corporations or persons entitled thereto, in such manner and through such methods of distribution as may be prescribed by the commission. If any such moneys shall not have been claimed by the corporations or persons entitled thereto within one year from the final decision of the supreme court, the commission shall cause notice to such corporations or persons to be given by publication, once a week for two successive weeks, in a newspaper of general circulation, printed and published in the city and county of San Francisco, and such other newspaper or newspapers as may be designated by the commission, said notice to state the names of the corporations or persons entitled to such moneys and the amount due each corporation or person. All moneys not claimed within three months after the publication of said notice shall be paid by the public utility, under the direction of the commission, into the state treasury for the benefit of the general fund.

Accounting for excess charges.

Additional security.

Settlement upon final decision.

Preference
over other
causes on
court
calendar.

SEC. 69. All actions and proceedings under this act, and all actions or proceedings to which the commission or the people of the State of California may be parties, and in which any question arises under this act, or under or concerning any order or decision of the commission, shall be preferred over all other civil causes except election causes and shall be heard and determined in preference to all other civil business except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the commission in any action or proceeding in which he may be allowed to intervene.

Hearing
on deter-
mination of
value of
property
of public
utility.

Notice.

Preliminary
examination.

Evidence.

Findings.

Subject to
review by
supreme
court.

SEC. 70. For the purpose of ascertaining the matters and things specified in section forty-seven of this act, concerning the value of the property of public utilities, the commission may cause a hearing or hearings to be held at such time or times and place or places as the commission may designate. Before any hearing is had, the commission shall give the public utility affected thereby at least thirty days' written notice, specifying the time and place of such hearing, and such notice shall be sufficient to authorize the commission to inquire into the matters designated in this section and in said section forty-seven of this act, but this provision shall not prevent the commission from making any preliminary examination or investigation into the matters herein referred to, or from inquiring into such matters in any other investigation or hearing. All public utilities affected shall be entitled to be heard and to introduce evidence at such hearing or hearings. The commission is empowered to resort to any other source of information available. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the commission. The commission shall make and file its findings of fact in writing upon all matters concerning which evidence shall have been introduced before it which in its judgment have bearing on the value of the property of the public utility affected. Such findings shall be subject to review by the supreme court of this state in the same manner and within the same time as other orders and decisions of the commission. The findings of the commission so made and filed, when properly certified under the seal of the commission, shall be admissible in evidence in any action, proceeding or hearing before the commission or any court, in which the commission, the state or any officer, department or institution thereof, or any county, city and county, municipality or other body politic and the public utility affected may be interested whether arising under the provisions of this act or otherwise, and such findings, when so introduced, shall be conclusive evidence of the facts therein stated as of the date therein stated under conditions then existing, and such facts can only be controverted by showing a subsequent change in conditions bearing upon the facts therein determined. The commission may from time to time cause further hearings and investigations to be had for the purpose of making revaluations or ascertaining the value of any betterments, improvements, additions or extensions made

by any public utility subsequent to any prior hearing or investigation, and may examine into all matters which may change, modify or affect any finding of fact previously made, and may at such time make findings of fact supplementary to those theretofore made. Such hearings shall be had upon the same notice and be conducted in the same manner, and the findings so made shall have the same force and effect as is provided herein for such original notice, hearing and findings; *provided*, that such findings made at such supplemental hearings or investigations shall be considered in connection with and as a part of the original findings except in so far as such supplemental findings shall change or modify the findings made at the original hearing or investigation.

Supplemental findings by commission.

SEC. 71. (a) When complaint has been made to the commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an excessive or discriminatory amount for such product, commodity or service, the commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection; *provided*, no discrimination will result from such reparation.

Reparation for overcharge by public utility.

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

Recovery of payment of reparation.

Time limit for complaint and recovery.

Remedy cumulative.

SEC. 72. It is hereby made the duty of the commission to see that the provisions of the constitution and statutes of this state affecting public utilities, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the state therefor recovered and collected, and to this end it may sue in the name of the people of the State of California. Upon the request of the commission, it shall be the duty of the attorney general or the district attorney of the proper county or city and county to aid in any investigation, hearing or trial had under the provisions of this act, and to institute and prosecute actions or proceedings for the enforcement of the provisions of the constitution and statutes of this state affecting public utilities and for the punishment of all violations thereof.

Duty of commission to compel enforcement of laws.

Duty of attorney general or district attorney.

SEC. 73. (a) In case any public utility shall do, cause to be done or permit to be done any act, matter or thing prohibited,

Liability
of public
utility for
damages
caused by
unlawful
acts or
omissions.

forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by the constitution, any law of this state or any order or decision of the commission, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was wilful, the court may in addition to the actual damages award damages for the sake of example and by way of punishment. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any corporation or person.

(b) No recovery as in this section provided shall in any manner affect a recovery by the state of the penalties in this act provided or the exercise by the commission of its power to punish for contempt.

Effect on
actions
under other
laws.

SEC. 74. (a) This act shall not have the effect to release or waive any right of action by the state, the commission, or any person or corporation for any right, penalty or forfeiture which may have arisen or accrued or may hereafter arise or accrue under any law of this state.

Penalties
cumulative.

(b) All penalties accruing under this act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any public utility, or any officer, director, agent or employee thereof, or any other corporation or person, or be a bar to the exercise by the commission of its power to punish for contempt.

Mandamus
or injunction
proceedings
at instance
of com-
mission.

SEC. 75. Whenever the commission shall be of the opinion that any public utility is failing or omitting or about to fail or omit, to do anything required of it by law, or by any order, decision, rule, direction or requirement of the commission, or is doing anything or about to do anything, or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order, decision, rule, direction or requirement of the commission, it shall direct the attorney of the commission to commence an action or proceeding in the superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides, in the name of the people of the State of California, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney of the commission shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the mean time said public utility may be restrained. In case of default in answer, or after answer, the court shall

Action in
superior
court.

immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this act, as appeals are taken from judgments of the superior court in other actions for mandamus or injunction.

Judgment.

Appeal to
supreme
court.

SEC. 76. (a) Any public utility which violates or fails to comply with any provision of the constitution of this state or of this act, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement or any part or provision thereof, of the commission, in a case in which a penalty has not heretofore been provided for such public utility, is subject to a penalty of not less than five hundred dollars nor more than two thousand dollars for each and every offense.

Penalties
for offenses
by public
utility.

(b) Every violation of the provisions of this act or of any order, decision, decree, rule, direction, demand or requirement of the commission, or any part or portion thereof by any corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

(c) In construing and enforcing the provisions of this act relating to penalties, the act, omission or failure of any officer, agent or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission or failure of such public utility.

Responsibility
for act
or omission
of employees.

SEC. 77. Every officer, agent or employee of any public utility, who violates or fails to comply with, or who procures, aids or abets any violation by any public utility of any provision of the constitution of this state or of this act, or who fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the commission, or who procures, aids or abets any public utility in its failure to obey, observe and comply with any such order, decision, rule, direction, demand or requirement, or any part or provision thereof in a case in which a penalty has not heretofore been provided for such officer, agent or employee, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

Penalty
for offense
by officer
or employee.

SEC. 78. Every corporation, other than a public utility, which violates any provision of this act, or which fails to obey, observe or comply with any order, decision, rule, direction,

Penalty for
offenses by
corporations
in general.

demand or requirement, or any part or provision thereof, of the commission, in a case in which a penalty has not hereinbefore been provided for such corporation, is subject to a penalty of not less than five hundred dollars nor more than two thousand dollars for each and every offense.

Penalty
for offenses
by officers
or employees
of corpora-
tions in
general.

SEC. 79. Every person who, either individually, or acting as an officer, agent or employee of a corporation other than a public utility, violates any provision of this act, or fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or portion thereof, of the commission, or who procures, aids or abets any such public utility in its violation of this act, or in its failure to obey, observe or comply with any such order, decision, rule, direction, demand or requirement, or any part or portion thereof, in a case in which a penalty has not hereinbefore been provided for such person, is guilty of a misdemeanor, and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

Actions,
where
brought,
and how
prosecuted.

SEC. 80. Actions to recover penalties under this act shall be brought in the name of the people of the State of California, in the superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. Such action shall be commenced and prosecuted to final judgment by the attorney of the commission. In any such action, all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state in any such action, together with the costs thereof, shall be paid into the state treasury to the credit of the general fund. Any such action may be compromised or discontinued on application of the commission upon such terms as the court shall approve and order.

Disposi-
tion
of fines
and pen-
alties.

Punish-
ment for
contempt.

SEC. 81. Every public utility, corporation or person which shall fail to observe, obey or comply with any order, decision, rule, regulation, direction, demand or requirement, or any part or portion thereof, of the commission or any commissioner shall be in contempt of the commission, and shall be punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this section shall not be a bar to or affect any other remedy prescribed in this act, but shall be cumulative and in addition to such other remedy or remedies.

Effect on
powers of
control by
municipal-
ities.

SEC. 82. This act shall not affect such powers of control over any public utility vested in any city and county or incorporated city or town as, at an election to be held pursuant to laws to be hereafter passed by the legislature, a majority of the qualified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until

such election such powers shall continue unimpaired in such city and county or incorporated city or town; but if the vote so taken shall not favor the continuation of such powers, they shall thereafter vest in the commission; *provided*, that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by a vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the commission in the manner to be prescribed by the legislature; or if such municipal corporation shall have surrendered any powers to the commission, it may, by like vote, thereafter reinvest itself with such power.

SEC. 83. (a) This act shall not affect pending actions or proceedings brought by or against the people of the State of California or the commission, or by any other person or corporation under the provisions of chapters 20 or 386 of the laws of 1911, but the same may be prosecuted and defended with the same effect as though this act had not been passed. Any investigation, hearing, or examination undertaken, commenced, instituted or prosecuted prior to the taking effect of this act may be conducted and continued to a final determination in the same manner and with the same effect as if it had been undertaken, commenced, instituted or prosecuted in accordance with the provisions of this act. All proceedings hitherto taken by the commission in any such investigation, hearing or examination are hereby ratified, approved, validated and confirmed and all such proceedings shall have the same force and effect as if they had been undertaken, commenced, instituted, and prosecuted under the provisions of this act and in the manner herein prescribed.

Effect on pending actions or proceedings.

Ratification of previous proceedings.

(b) No cause of action arising under the provisions of chapters 20 or 386 of the laws of 1911 shall abate by reason of the passage of this act, whether a suit or action has been instituted thereon at the time of the taking effect of this act or not, but actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as though said chapters had not been repealed.

Effect on actions under certain laws.

(c) All orders, decisions, rules or regulations heretofore made, issued or promulgated by the commission shall continue in force and have the same effect as though they had been lawfully made, issued or promulgated under the provisions of this act.

Ratification of previous orders.

(d) This act, in so far as it embraces the same subject matter, shall be construed as a continuation of chapter 20 of the laws of 1911, approved February 10, 1911, and chapter 386 of the laws of 1911, approved April 6, 1911.

Continuation of certain laws.

SEC. 84. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or

Constitutionality of act.

more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Application
to foreign
or interstate
commerce.

SEC. 85. Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of Congress.

Appropriation.

SEC. 86. All moneys which are paid into the state treasury by the commission up to and including the thirtieth day of June, 1913, under the provisions of section 57 of this act, and credited to the railroad commission fund, are hereby appropriated, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed to draw his warrant on said fund from time to time in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Repeal of
other acts.

SEC. 87. The railroad commission act, approved February 10, 1911, and the act entitled "An act to amend the railroad commission act by amending section fifteen thereof relating to powers and duties of the railroad commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 88. This act shall take effect ninety days after the final adjournment of this session of the legislature.

CHAPTER 15.

An act to amend section 1855a of the Code of Civil Procedure relative to the introduction of abstracts of title in evidence.

[Approved December 24, 1911.]

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

SECTION 1. Section 1855a of the Code of Civil Procedure is hereby amended to read as follows:

Proof of
contents of
lost public
record or
document.

1855a. When, in any action, it is desired to prove the contents of any public record or document lost or destroyed by conflagration or other public calamity and after proof of such loss or destruction, there is offered in proof of such contents (a) any abstract of title made and issued and certified as correct prior to such loss or destruction, and purporting to have been prepared and made in the ordinary course of business by any person, firm or corporation engaged in the business of preparing and making abstracts of title prior to such loss or destruction; (b) any abstract of title, or of any instrument affecting title, made, issued and certified as correct by any per-

son, firm or corporation engaged in the business of insuring titles or issuing abstracts of title, to real estate whether the same was made, issued or certified before or after such loss or destruction and whether the same was made from the original records or from abstracts and notes, or either, taken from such records in the preparation and upkeeping of its, or his, plant in the ordinary course of its business, the same may, without further proof, be admitted in evidence for the purpose aforesaid. No proof of the loss of the original document or instrument shall be required other than the fact that the same is not known to the party desiring to prove its contents to be in existence; *provided, nevertheless*, that any party so desiring to use said evidence shall give reasonable notice in writing to all other parties to the action who have appeared therein, of his intention to use the same at the trial of said action, and shall give all such other parties a reasonable opportunity to inspect the same, and also the abstracts, memoranda, or notes from which it was compiled, and to take copies thereof.

Abstract of title may be admitted in evidence.

CHAPTER 16.

An act to amend an act entitled "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

[Approved December 24, 1911.]

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

SECTION 1. Section two of an act entitled "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, is hereby amended to read as follows:

Section 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.

County highway commission, how constituted, and terms of members.

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. No member of the board of supervisors can act or be appointed as a commissioner under this act.

Bond.

CHAPTER 17.

An act to amend sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of an act entitled "An act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, and to repeal an act entitled an act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, approved March 24, 1909," approved April 7, 1911.

[Approved December 24, 1911.]

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

SECTION 1. Section 1 of an act entitled "An act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, and to repeal an act entitled an act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, approved March 24, 1909," approved April 7, 1911, is hereby amended to read as follows:

Definitions.

Section 1. The words and phrases in this act shall, unless such construction be inconsistent with the context, be construed as follows:

Primary election.

1: The words "primary election," any and every primary nominating election provided for by this act.

2. The words "September primary election," the primary election held in September to nominate candidates to be voted for at the ensuing November election. September primary election.

3. The words "May presidential primary election," any such primary election, held in May of a bissextile or leap year, as shall provide for the expression of preference in the several political parties for party candidates for president and vice-president of the United States and for the election of delegates to national party conventions. May presidential primary election.

4. The word "election," a general or city or city and county election as distinguished from a primary election. Election.

5. The words "November election," the presidential election, the general state election, county, city or city and county election held in November. November election.

6. The word or words "political party," "party," "political organization," or "organization," a political party or organization of electors which at the last general election before the holding of the primary election, 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. Political party; party; political organization; organization.

7. The words "judicial officer," any justice of the supreme court, justice of a district court of appeal, judge of the superior court, justice of the peace, or justice of such inferior court as the legislature may establish in any county, township, incorporated city or town, or city and county; and the words "judicial office," the office filled by any of the above judicial officers. Judicial officer; judicial office.

8. The words "school officer," the superintendent of public instruction, any superintendent of schools of a county or city and county, or any school district officer or trustee; and the words "school office," the office filled by any of the above school officers. School officer; school office.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all the provisions of law in respect to either the giving of any notice or the conducting of the primary election or certifying the results thereof. Liberal construction of statute.

In all counties and cities and counties in this state, having a registrar of voters or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon county clerks and their deputies, and other officers, in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters or his deputies, or registrar of voters or his deputies and board of election commissioners; and all nominating papers, list of candidates, expenses, and oaths of office, required by this statute to be made to county clerks, shall be filed with the registrar of voters. Duty of registrar of voters.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Section 3. The September primary election shall be held at

Date of September primary.

the legally designated polling places in each precinct on the first Tuesday in September, for the nomination of all candidates to be voted for at the ensuing November election.

Holidays.

The day of the September primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of section 10 of the Political Code. Any person entitled to vote at such September or May primary elections shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages.

Voter entitled to leave of absence from employment.

Dates of other than September or May primaries.

Any primary election other than the September primary election, or May presidential primary election shall be held on Tuesday, three weeks next preceding the election for which such primary election is held.

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Nomination paper required to secure printing of names of candidates on ballot.

Section 5. 1. The name of no candidate shall be printed on an official ballot to be used at any primary election unless at least thirty-five days prior to the primary election, if the candidate is to be voted for at the September primary election or the May presidential primary election, and at least fourteen days prior to the primary election, if the candidate is to be voted for at a primary election other than the September or May primary election, a nomination paper shall have been filed in his behalf as hereinafter provided by this act, in substantially the following form:

Form of nomination paper.

No. Surname initial
..... County, Assembly District,
..... Precinct Ward City.
Nomination paper of, candidate for
party nomination for

STATE OF CALIFORNIA, }
COUNTY OF } ss.

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of (the precinct of the town of or county of) or (the precinct of the ward of the city of , county of) or (the precinct of the assembly district of the city of , county of), State of California, and a member of the party, and I hereby nominate who resides at (No. street, city of) or (in the town of) county of , State of California, as a candidate for the nomination for the office of to be voted for at the primary election to be held on the day of

....., 19... I have not signed the nomination paper of any other candidate for the same office, and I further declare that I intend to support for such nomination the candidate named herein.

(Signature)
(Date of signing)

Occupation
Residence No. street.

Subscribed and sworn to before me, this day of, 19....

2. All nomination papers shall be substantially in the above form, except that a nomination paper filed in behalf of a candidate for nomination to a judicial office or a school office shall not contain the words "Party nomination for,," and "a member of the party" and "..... nomination for the"
Nomination papers shall not be filed, unless signed and verified before an officer authorized by the laws of this state to administer oaths, or before a special verification deputy appointed as follows:

Exception in case of candidate for judicial or school office.

The candidate may designate one or more special verification deputies who shall qualify by filing with the county clerk or registrar of voters an oath or affirmation in substance as follows:

Designation of verification deputy.

FOR
CANDIDATE FOR PARTY.
NOMINATION FOR

STATE OF CALIFORNIA, }
COUNTY OF } SS.

I,, depose and say: I am a qualified elector of the county of, and of the city of, or (town of), or (..... precinct), of the aforesaid county; that I have been designated as a special verification deputy by who desires to be a candidate of the party for the office of; that I can read and write the English language, and that in obtaining signatures to the nomination papers of the person named herein I will faithfully observe the election laws of the State of California, in so far as they are applicable to the preparation, signing and filing of nomination papers.

Form of oath for verification deputy.

Subscribed and sworn to before me, this day of, 19....

[SEAL]
Notary Public (or other official).

Provided, however, that, in the case of a verification deputy appointed to verify nomination papers for a candidate for nomination to a judicial office or a school office, the words "of

Judicial or school office—exception.

the party," and the words of heading, "CANDIDATE FOR PARTY," shall be omitted. The county clerk or registrar of voters shall keep a record in which he shall enter the names of all such verification deputies as designated by each candidate. No verification deputy designated by any candidate for an office to be voted on at the September primary election, shall be so designated before June 15th of the year in which such primary election is held, and no verification deputy designated to obtain signatures to the nomination papers of candidates to be voted on at the May presidential primary election, shall be so designated before March 1st of the year in which such presidential primary election is held.

Time of designation of verification deputy.

Elector may sign only one paper for same office.

3. Each signer of a nomination paper shall sign but one such paper for the same office and shall verify the same as above provided. He shall add his occupation and residence, with street and number, if any, and if no street and number or either exists, 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; he shall also add the date of signing. But no nomination paper of any candidate for an office to be voted on at the September primary election shall be signed before June 15th of the year in which such primary election is held, and no nomination paper of any candidate to be voted on at the May presidential primary election shall be signed before March 1st of the year in which such presidential primary election is held.

Arrangement of nomination papers.

4. Such nomination papers prior to their filing 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 affidavits of registration by the provisions of section 1113 of the Political Code; *provided, however,* that for all nominations of candidates to be voted for in more than one county, or throughout the entire state, the nomination papers, properly assembled by precincts, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound up together.

Examination of nomination papers by county clerk or registrar.

The county clerk of any county or registrar of voters of any city and county shall examine all nomination papers herein provided for which purport to have been signed by electors of his county or city and county, and shall disregard any name appearing on such paper or papers which is not on an affidavit of registration in his office. Such officer shall affix to all nomination papers a certificate reciting that he has examined the same and stating the number of names signed thereto which appear upon the affidavits of registration. All nomination papers which by this act are required to be filed in the office of the secretary of state, shall be left with the county clerk or registrar of voters for examination, as above provided, at least forty days prior to the September primary election or the May presidential primary election, and shall, with such certificate

Time for filing nomination papers.

of examination attached, within five days after being so left, be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. The verification of signatures to nomination papers shall not be made by the candidate, nor by any county clerk, or registrar of voters, nor by any of the deputies in the office of such county clerk or registrar of voters. Each candidate shall file with his nomination paper or papers his affidavit, stating his residence, with street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of his party and that of the office for which he desires to be a candidate; that he intends to affiliate with said party and vote for a majority of the candidates of said party at the ensuing general election, and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected; and he shall also make the statement required in subdivision 5 of section 6 of this act.

Affidavit of candidate.

In the case of a candidate for nomination to a judicial office or a school office, no affidavit shall be made that the candidate intends to affiliate with any party or to vote for a majority or any of the candidates of any party at any election. Nor shall any candidate for nomination to a judicial office or a school office be required to state the name of his party, or that he belongs to any party.

Judicial or school office—exception.

5. In the case of an elector seeking nomination to the office of state senator or member of the assembly at any primary election next preceding the election of a United States senator in congress, he may include with his affidavit one of the two statements hereinafter set forth in this section and subdivision. But his failure to include either of such statements shall not be a valid ground on the part of the secretary of state for refusal to receive and file his nomination paper or papers.

Statements of candidates for senate or assembly.

Such statements, if any he made, shall be in substantially the following form:

STATEMENT NO. 1.

I further declare to the people of California and to the people of the (senatorial or assembly) district that during my term of office, without regard to my individual preference, I will always vote for that candidate for United States senator in congress who shall have received for that office the highest number of the votes cast for that position at the general election next preceding the election of a senator in congress.

Statement No. 1.

.....
Signature of candidate for nomination.

If the candidate be unwilling to sign the above statement, he may include with his affidavit the following statement:

STATEMENT NO. 2.

I further declare to the people of California and to the people of the (senatorial or assembly)

Statement No. 2.

district, that during my term of office I shall consider the vote of the people for United States senator in congress as nothing more than a recommendation, which I shall be at liberty wholly to disregard, if the reasons for so doing seem to me sufficient.

.....
Signature of candidate for nomination.

On the ballot used at the primary election, after or under the name of each candidate for state senator or assemblyman shall appear the words, "Signed statement No. 1," or "Signed statement No. 2," or "Signed neither statement," according as the candidate included with his affidavit, "Statement No. 1," "Statement No. 2," or neither statement, respectively; and together with the sample primary ballot the county clerk or registrar of voters must include a card or slip of paper on which shall be printed all this subdivision, viz.: subdivision 5 of section 5 of this act.

Number of nomination papers to be signed.

6. Except in the case of a candidate for nomination to a judicial office or a school office, nomination papers shall be signed as follows: By not less than one per centum and not more than two per centum of the voters of the party of the candidate seeking nomination, within the state or political subdivision thereof in which such candidate seeks nomination.

Basis of percentage required.

7. Except in the case of a candidate for nomination to a judicial office or a school office, the basis of percentage in each case shall be upon the highest vote polled by the party for any such candidate as may have been the candidate of such party only, at the election upon which the right of the party to participate in the primary election is based, as defined in subdivision 6 of section 1 of this act. Every political party qualified to participate in the primary election by the provisions of subdivision 6 of section 1 of this act, whose membership or members shall comply with the provisions of this act by filing nomination papers for one or more candidates, shall be entitled to a separate party ticket at the primary election.

Computation of highest vote when change is made in political subdivisions.

8. Whenever by rearrangement of political subdivisions of the state by any legislature, board of supervisors or other legislative body, the boundaries of such political subdivisions are changed, the highest vote polled by each party in each of the new political subdivisions shall be determined as follows: If the change occurs wholly within any county or city and county, the county clerk or registrar of voters of such county or city and county shall determine as nearly as possible the highest vote of each party in the new political subdivision by adding together for each party the highest vote in each of the former precincts which now are combined to make up such new political subdivision. If the change occurs outside the limits of any county or city and county, the secretary of state shall determine the highest vote of each party in such new political subdivision by adding together for each party the highest vote

in the counties which now are combined to make up such new political subdivision. In the same way that the highest vote for each party in each new political subdivision is ascertained, is also ascertained the total vote of all parties, as is required to be known by the provisions of subdivision 10 of this section.

9. Nothing herein shall be construed as prohibiting the independent nomination of candidates to be voted for at any general election, by electors or bodies of electors, as provided by section 1188 of the Political Code; except that a candidate who has filed nomination papers as one of the candidates for nomination to any office on the ballots of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination to the same office at the ensuing general election, either as an independent candidate or as the candidate of any other party, and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of section 1188 of the Political Code, unless at such primary election he shall have received for such office votes equal in number to the minimum number of nomination papers which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office.

Nomination of independent candidates by petition.

Candidate with name written on ballot.

10. In the case of a candidate for nomination to a judicial office or a school office, nomination papers shall be signed by not less than one half of one per centum, nor more than two per centum of the total vote cast by all political parties at the last election in the state or political subdivision thereof in which such candidate for judicial or school office seeks nomination.

Percentage required for judicial or school offices.

11. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all persons filing the same, the name of the office, the party, if any, and the time of filing.

SEC. 4. Section 7 of said act is hereby amended to read as follows:

Section 7. A filing fee of fifty dollars shall be paid to the secretary of state by each candidate for state office or for the United States senate.

Fees for filing nomination papers.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state by each candidate for representative in congress or for any office, except member of senate and assembly, to be voted for in any district comprising more than one county.

3. A filing fee of ten dollars shall be paid to the secretary of state by each candidate for the state senate or assembly.

4. A filing fee of ten dollars shall be paid to the county clerk or registrar of voters in any city and county when the nomination paper or papers and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such county clerk or registrar of voters.

5. A filing fee of ten dollars shall be paid to the city clerk or secretary of the legislative body of any municipality when the nomination paper or papers and affidavit of any candidate for a city office are filed with such clerk or secretary of such legislative body.

6. No filing fee shall be required from any person to be voted for at the May presidential primary election, or from any candidate for an office to the holder of which no compensation is required to be paid, or for township offices the compensation to the holder of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the secretary of state receive any nomination papers for filing until the requisite fee for such filing, as prescribed in this section, has first been paid to him.

8. When a person is nominated for an office by reason of his name having been written on a ballot that has been voted at any primary election provided for by this act, he must pay the same filing fee provided for the same office to the same officer as would have been required if nomination papers had been filed to place his name on the primary ballot; otherwise his name must not be printed on the ballot at the ensuing general election, provided he is not the nominee of another party for the same office.

SEC. 5. Section 10 of said act is hereby amended to read as follows:

Section 10. At least thirty days before any September primary election preceding a November election or before any May presidential primary election the secretary of state shall transmit to each county clerk or registrar of voters in any city and county a certified list containing the name and post office address of each person for whom nomination papers have been filed in the office of such secretary of state and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and of the party or principle he represents. In case of each candidate for nomination to the office of state senator or assemblyman, at the primary election next preceding the election of a United States senator in congress, the secretary of state shall certify as to whether such person has signed and included with his affidavit statement No. 1, statement No. 2, or neither statement, as such statements are defined in subdivision 5 of section 5 of this act. Such county clerk or registrar of voters shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office, the names and addresses of all persons for whom nomination papers have been filed, the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling

Certification
of names
by secretary
of state.

Publication
by county
clerk or
registrar.

places in each precinct, which shall be particularly designated. It shall be the duty of the county clerk or registrar of voters in any city and county to cause such publication to be made for two successive weeks prior to said primary election.

SEC. 6. Section 12 of said act is hereby amended to read as follows:

Section 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct. The ballots must have a different tint or color for each of the political parties participating in the primary election. It shall be the duty of the county clerk of each county or of the registrar of voters in any city and county to provide such printed official ballots to be used at any September primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election and at any May presidential primary election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the September primary election or the May presidential primary election. Such official ballots to be used at any primary election shall be printed on official paper, furnished by the secretary of state, in the manner provided by section 1196 of the Political Code, and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

Ballots
used at
primary
elections.

By whom
provided.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election, except as provided in subdivision 5 of this section, shall be not less than twelve inches wide and as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one half inches wide.

Form and
size of
ballot.

3. Across the top of the ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "Official Primary Election Ballot." Beneath this heading shall be printed in heavy faced gothic capital type, not smaller than twenty-four point, the party designation. The instructions to voters shall be printed in ten point gothic type. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official Primary Election Ballot" shall be printed thereon in heavy faced gothic capital type, not smaller than twenty-four point. The party designation shall be printed

Style of
printing.

in heavy faced gothic capital type, not smaller than eighteen point. The instructions to voters shall be printed in ten point gothic type.

Instructions
to voters.

4. At least three eighths of an inch below the assembly district designation and the date of the primary election shall be printed in ten point gothic type, double leaded, the following instructions to voters:

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. To vote for delegates to conventions write or paste the name or names of a qualified elector or electors in the blank space or spaces provided therefor.

Arrangement
of columns
and groups.

5. The instructions to voters shall be separated from the lists of candidates and the designations of the several offices to be nominated for by one light and one heavy line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one half inches wide. The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for state and county tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election the order of precedence shall be as follows, that is to say: In the columns to the left of the solid black dividing line shall be printed the groups of names of candidates for nomination to state, district and judicial offices, United States senator in congress, if any, representative in congress, state senator and member of assembly. In the parallel columns to the right of the heavy black dividing line shall be printed the groups of names of candidates for nomination to county and township offices and to the office of justice of the peace. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county. In the case of primary elections for the nomination of congressional candidates including United States senator in congress, legislative and judicial officers other than justice of the peace, the groups or lists of names of candidates may be printed on the ballot in a single column, and shall be printed in the following order of procedure, that is to say: Judicial officers, except judges of the superior court, United States senator in congress, representative in congress, state senator, member of the assembly, judge of the superior court,

county and township officers, if any, and delegates to county conventions.

6. The group of names of candidates for nomination to any judicial office or any school office shall include all the names receiving the requisite number of nomination papers for such office, and shall be identical for each such office on the primary election ballots of each political party participating at the primary election.

Judicial
and school
offices.

7. The order in which the list of candidates for any office shall appear upon the primary election ballot shall be determined as follows:

Arrangement
of names
on ballot.

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

State
officer
or United
States
senator.

If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each county clerk or registrar of voters the certified list of names as required in section 10 of this act, the secretary of state shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names filed with the secretary of state shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

Representa-
tive in
congress or
office voted
on in more
than one
county.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; *provided*, there is no more than one

Office
voted on
wholly
within one
county.

assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

State
senator or
assembly-
man.

(c) If the office is that of state senator or assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

Municipal
offices.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Order of
publication.

8. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in section 10 of this act, the county clerk or registrar of voters shall publish the names in the order in which they will appear upon the ballot; *provided*, that in counties or cities and counties containing more than one assembly district the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order.

Style of
printing
groups.

9. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "Vote for One" or "Vote for Two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

Style of
printing
names of
candidates.

10. The names of the candidates shall be printed on the ballot, without indentation, in roman capital type not smaller than eight point, between light lines or rules three eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series

OFFICIAL PRIMARY ELECTION BALLOT

FOURTH CONGRESSIONAL DISTRICT
SEVENTEENTH SENATORIAL DISTRICT
TWENTY-NINTH ASSEMBLY DISTRICT

SEC. 7. Section 13 of said act is hereby amended to read as follows:

Sample ballots for counties.

Section 13. At least twenty days before the September primary election or before the May presidential primary election each county clerk or registrar of voters in any city and county shall prepare separate sample ballots for each political party, placing thereon in the order provided in subdivision seven of section 12 of this act, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on tinted or colored paper of a different tint or color from the paper to be used on the official ballot, and one sample ballot of the party to which the voter belongs as evidenced by his registration shall be mailed to each voter entitled to vote at such September primary election or May presidential primary election, as the case may be, not more than ten nor less than five days before the election. Such clerk or registrar of voters shall forthwith submit the ticket of each political party to the chairman of the county committee of such party and shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the secretary of state, to the post office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the county clerk or registrar of voters in any city and county shall cause the official ballot to be printed as provided by section 12 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable and not otherwise provided herein the provisions of this act shall apply to the nomination of all candidates for city offices.

Distribution.

Official ballots for counties.

Sample and official ballots for cities.

SEC. 8. Section 22 of said act is hereby amended to read as follows:

Canvass of returns.

Section 22. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the

returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election. The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party, and for delegates to county and municipal conventions, if any, and a duplicate as to each political party shall be delivered to the county, city and county or city chairman of such political party, as the case may be. The clerk shall also make an additional duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The county clerk or registrar of voters in any city and county shall forthwith send to the secretary of state by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, representatives in congress, judicial officers, except justices of the peace, and as to all persons voted for at the May presidential primary election. The clerk shall also prepare a separate statement of the names of the candidates of each political party who have received the highest number of votes for the several offices to be voted for wholly within such county, city and county or other political subdivision in which such primary election was held. The secretary of state shall, not later than the twenty-fifth day after any primary election, compile the returns for United States senator and for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, representatives in congress and judicial offices, except justices of the peace, and for all persons voted for at the May presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show for each candidate, both the total of the votes received and the votes received in each congressional district of the state.

Statement
of result,
and in
whom
returned.

Compilation
of certain
returns by
secretary
of state.

SEC. 9. Section 23 of said act is hereby amended to read as follows:

Section 23. Except in the case of a candidate for nomination to a judicial office or a school office, the person receiving the highest number of votes, at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of the party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election provided he has paid the filing fee required by subdivision 8 of section 7 of this act. The name of the person in each political party who receives at a primary election the highest number of votes for United States senator shall also be placed on the official ballot under the heading "United States Senator."

Number of
votes neces-
sary to
secure
nomination.

Judicial
and school
offices.

Right of
nomination
by petition
reserved.

Delegates
to party
conventions.

Certificates
of nomination
and by
whom
issued.

In the case of a judicial office or a school office, the candidates equal in number to twice the number to be elected to such office, or less, if so there be, who receive the highest number of the votes cast on all the ballots of all the political parties participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; *provided, however,* that in case there is but one person to be elected at the November election to a judicial or a school office, any candidate who receives at the September primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office at the ensuing election; *and provided, further,* that nothing contained in this section shall be so construed as to prevent any person who was not a candidate at the primary election from becoming a candidate for such office under the provisions of section 1188 of the Political Code. The elector receiving the highest number of votes of his party in his district, ward or precinct for delegate shall be a representative of his party from the political subdivision in which he was elected in all conventions of his party in such county or city in which such political subdivision is entitled to representation. When two or more delegates are to be elected from the same political subdivision, the elector receiving a plurality over the elector next in number of votes, shall be declared elected, until as many delegates have been chosen as have been apportioned to such district, ward or precinct. It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to such delegate a certificate of his election; and to cause to be issued official certificates of nomination to such candidates for judicial or school offices as may be entitled thereto under the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly and officers voted for in more than one county; and to issue certificates of election to all persons elected at the May presidential primary election as delegates to their respective national party conventions, and to notify each of said delegates of the total vote received by each of the persons voted for in his party at said election, under the heading "For Presidential Nomincc." Not less than thirty days before the November election the secretary of state shall certify to the county clerks or registrars of voters of each county and city and county within the state, the name of every person entitled to receive votes within such county or city and

county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 22 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person if any and the designation of the public office for which he is so nominated. The secretary of state shall also certify to the county clerk or registrar of voters the names of those persons who have received in their respective parties the highest number of votes for United States senator.

SEC. 10. Section 24 of said act is hereby amended to read as follows:

Section 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, or any political subdivision thereof, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act.

Party conventions.

2. The candidates for state officers, if any, except judicial and school officers, and the candidates for senate and assembly nominated by each political party at the primary election, and state senators of such political party whose term of office extends beyond the first Monday in January of the year next ensuing, shall meet at the state capitol at two o'clock in the afternoon of the fourth Tuesday of September after the date on which any primary election is held preliminary to the general November election. They shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following Thursday. They shall also proceed to elect a state central committee to consist of at least three (3) members from each congressional district, who shall hold office until a new state central committee shall have been selected.

State conventions, how constituted.

Formulation of state platforms and election of state central committee.

In each bissextile or leap year they shall also nominate as the candidates of their party as many electors of president and vice-president of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots at the ensuing November election.

Nomination of presidential electors.

3. A county convention shall be called in the manner following: The county central committee of any political party shall at least thirty days prior to each September primary election, file a written petition signed by its chairman and secretary, with the county clerk, which petition shall contain the date and place of holding such convention, the number of delegates entitled to seats therein, also the number of delegates apportioned to each election subdivision in the territory which

County conventions.

said convention will represent; also a brief statement of the purposes for which such convention is called, and the chairman and secretary of such county central committee shall mail or cause to be mailed a notice containing the substance of such petition to each committeeman of such party in the county. Such convention notice shall provide for the selection of a county central committee, which shall have control and management of the party campaign under the general directions of the state central committee or of an executive committee selected by such state central committee. In any county the county committee shall be selected by the county convention.

Selection
of county
central
committees.

Municipal
conventions.

4. City and county or municipal conventions shall be called in like manner as state and county conventions, and delegates thereto shall be elected at primary elections held in such city and county or municipality to nominate candidates for office in such political subdivisions in like manner as herein provided for the election of delegates to county conventions. In any city and county the petition calling such convention shall be filed with the registrar of voters, and in municipalities, with the secretary or clerk of the legislative body of such municipality, and the names of candidates for delegates to such conventions shall be written or pasted on the official primary ballot in like manner and form as herein provided for county conventions. In any city and county the county committee shall be selected by the county convention.

Time for
holding
conventions.

5. County, city and county, and municipal conventions shall be held not later than two weeks after the primary election at which delegates to such conventions are chosen.

Selection
and organ-
ization of
state central
committees.

6. State central committees shall be selected by the state conventions of each political party, to consist of not less than three members from each congressional district, who shall hold office until a new state central committee shall have been selected. Each such committee may select an executive committee and shall choose its officers by ballot and each committee and its officers shall have the powers usually exercised by such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

CHAPTER 18.

An act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for president of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this act.

[Approved December 24, 1911.]

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

SECTION 1. On Tuesday, May 14th, 1912, and on the second Tuesday in May of every fourth year thereafter, there shall be held a primary nominating election, to be known as the May presidential primary election, at which the qualified electors of the several political parties shall have opportunity, on separate party ballots provided for that purpose, to express their preference as to the nominees of their respective parties for president of the United States, and also to elect the delegates of their respective parties to their respective national conventions for the nomination of their party candidates for president and vice-president of the United States.

SEC. 2. The names of the candidates for nomination as president of the United States shall be printed upon the ballots, upon the filing of the nomination papers substantially as provided in section 5 of the act entitled "An act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, and to repeal an act entitled an act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, approved March 24, 1909." approved April 7, 1911, said act being also known and hereinafter referred to in this act as the "direct primary law"; *provided*, that nomination papers for each of said candidates must be signed by not less than one per centum of the voters of his party in each congressional district of the state; *and further provided*, that no candidate for nomination for president need sign or file any petition, affidavit, declaration, statement or paper of any kind to get his name upon the ballot, but that in the event that any person who is presented as a candidate for nomination for president by the filing of nomination papers as herein provided for, shall, on or before the thirty-fifth day before the date of the presidential primary election, announce by an affidavit, declaration, or statement filed in the office of the secretary of state, that he is not a candidate for nomination for president, and that he does not wish his name to be printed upon the ballot for said election, the said secretary of state shall not certify or transmit

Presidential
primary
election.

Expression
of preference,
and election
of delegates
to party
conventions.

Method of
nomination.

Percentage
of trans-
mission
papers
required

Affidavit
from candi-
date not
necessary.

Statement
of person
not a
candidate.

the name of such candidate to the respective county clerks or registrars of voters, and such name shall not be printed upon the ballots; *and provided, also*, that verification deputies may be designated by any party supporter of any candidate for president, and the name of such supporter, followed by the words "a party supporter of" shall precede the name of the candidate in the form of affidavit for verification deputies provided for in said section 5 of said "direct primary law." The names of the several candidates for nomination for president together with the blank space for writing the name of such a candidate, and the headings for the same shall appear at the top and center of the ballot immediately below the instructions to voters, and shall be printed in heavy face, eight point, capital type. The order in which the names of the candidates for presidential nominee shall be printed upon the ballot, shall be the order in which the nomination papers of such candidates are filed with the secretary of state; and such names shall be printed one after the other in a horizontal line, each name being followed by a voting square, the space for the name and voting square together being headed by the words "For Presidential Nominee," printed in heavy face ten point gothic type, and occupying no less than two and one half inches of horizontal space. This space shall be left blank above the "No Preference Column" provided for in section 5 of this act. Below the words "For Presidential Nominee" heading the blank space hereinbefore provided for, shall be the words "Blank Space" in six point gothic type. Above the words and spaces herein described shall be printed in heavy face twelve point gothic type the words "Vote for One as Your Choice for Presidential Nominee."

SEC. 3. The chairman of the state central committee of each of the political parties qualified to participate in the election provided for in this act shall notify the secretary of state on or before the first day of March of each bissextile or leap year as to the number of delegates to represent the state in the next national convention of his said party. If the state chairmen, or any of them, fail to file such notice, it shall be the duty of the secretary of state to ascertain the said number of delegates from the call for said national convention issued by the national committee of each party whose chairman has failed to notify him as aforesaid. The delegates who shall represent each political party at its national convention shall all be elected by the voters of the state at large. The secretary of state shall, on or before the tenth day of March of the year of the May presidential primary election, certify to the county clerk or registrar of voters of each county, or city and county, the number of delegates to be so elected by each of the political parties qualified to participate in the said election. Any political party shall be qualified to participate in the May presidential primary election which is qualified to participate in the September primary election according to the provisions of the "direct primary law."

Verification
deputies.

Arrangement
and style of
printing
names of
candidates
for presidential
nomination.

Headings.

Delegates
to party
conventions.

Number
of, how
ascertained.

Elected
at large.

Parties
entitled to
participate.

SEC. 4. The names of persons to be voted upon as delegates to the respective national conventions of the several political parties shall be printed upon the ballots of their respective parties upon the filing of nomination papers substantially in the form provided in section 5 of the "direct primary law"; *provided*, that, in the case of each party, nomination papers for candidates for delegates must be signed by not less than one per centum of the voters of said party in each congressional district of the state; *and provided, also*, that whenever a number of candidates for delegates join together in appointing the same verification deputies, and in filing statements with the secretary of state, as hereinafter provided in this section, setting forth that said candidates for delegates prefer the same person as candidate for presidential nominee, there may be filed upon the same nomination paper the names of as great a number of candidates for delegates from any party as the total number of delegates to be elected by said party, and no more than such number; *and provided, further*, that when the number of names of candidates printed upon the same nomination paper exceeds the number of congressional districts in the state, but is less than twice the number of such districts, the names of such candidates thus grouped together shall be so selected that not more than three and not less than one of such candidates shall reside in any one congressional district, and that when the number of names of candidates printed upon the same nomination paper exceeds twice the number of congressional districts in the state, the names of such candidates thus grouped together shall be so selected that not more than four and not less than two of such candidates shall reside in any one congressional district; and if not so selected said names shall not be grouped together on the ballot, but shall appear as individuals.

Method of nominating delegates.

Percentage of nomination papers required.

Grouping of candidates.

Apportionment of candidates to congressional districts.

Candidates for delegate grouped together on the same nomination paper and selected as aforesaid shall be similarly grouped, in the same order of names, upon the ballots of their party; *provided*, that such group of candidates for delegate has the endorsement of that candidate for presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a state political organization created in support of the candidacy of said presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement, either of the candidate or of the organization supporting him, to be filed with the secretary of state. No candidates for delegate not thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals; *and further provided*, that the name of no candidate shall appear more than once on the ballot, and that any candidate whose nomination paper is filed in more than one group, or in the same group differently arranged, shall have his name printed on the ballot as a part of that group which has received the endorsement as herein re-

Endorsement of group by candidate for presidential nominee.

cited; *provided*, that one of the groups in which his name occurs has received such endorsement.

Affidavit
and state-
ment by
candidate
for election
as delegate.

Each candidate for election as delegate to his national party convention must file with the secretary of state not later than the time of filing of the nomination papers containing his name, an affidavit substantially as provided in section 5 of the "direct primary law," and may also include with his affidavit the statement "I personally prefer _____ as the nominee of my party for president of the United States" (filling in the blank by inserting his choice for such nominee). But his failure to include such statement shall not be a valid ground on the part of the secretary of state for refusal to receive and file the nomination papers containing his name.

Arrangement
of names
in parallel
columns.

SEC. 5. The names of the candidates for delegate in any political party shall be arranged upon the ballots of such party in parallel columns each column standing directly underneath the space headed by the words, "For Presidential Nominee," and the various candidates for delegate appearing in these columns as determined by their preference for president, according to the provisions of section 4 of this act. The left-hand column shall be headed in heavy face, ten point, gothic type, "Candidate Preferring _____" (the blank being filled out by the surname of the first candidate for presidential nominee on the ballot, as determined by section 2 of this act). The second column shall be similarly headed, except that the surname of the candidate for presidential nominee shall be for the name second in the list of candidates for presidential nominee, and so on for as many candidates for presidential nominee as are printed at the top of the ballot in the list of such candidates. To the right of the last column headed by the surname of a candidate for presidential nominee shall be a column headed "No Preference Column," in which shall appear the names of all candidates for delegate who have expressed no preference for presidential nominee or who have expressed a preference for a candidate for presidential nominee other than the candidates for presidential nominee printed at the top of the ballot. Above this "No Preference Column," neither the words "For Presidential Nominee," nor the space for the name of such nominee shall appear. To the right of this last column shall be a column headed "Blank Column," which shall contain as many blank spaces as there are delegates to be elected by the political party concerned. In case that there are no names of candidates for delegate to be placed in a "No Preference Column," such "No Preference Column" shall be omitted from the ballot, and the "Blank Column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee. In the event that two or more candidates for presidential nominee whose names are printed upon the same ballot have the same surname, the distinguishing names or initials of such candidates shall be prefixed to their respective surnames on said ballot, following the words "Candidates Preferring."

Headings.

The names of the various candidates for delegates shall be

printed in eight point, roman capital type, under their respective preferences for presidential nominee or in the no preference column, as heretofore provided in this act. The names of each group on the ballot shall be numbered in heavy face, eight point type. The order of names for each column upon the ballot shall be the same as the order in which such names were filed with the secretary of state; *provided*, that above the individual names in each column shall appear the group of names, if any, which has received the endorsement referred to in section 4 of this act.

Style of printing names.

A blank column one half inch wide shall be left upon the ballot opposite each group of names and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any name from any other name not in a group or from any group of names shall be heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

Arrangement for voting for individual names or for groups.

SEC. 6. Each candidate for election as delegate to his national party convention may include with his affidavit the statement hereinafter set forth in this section; but his failure to include such statement shall not be a valid ground on the part of the secretary of state for refusal to receive and file his nomination paper or papers.

Such statement, if any be made, shall be in substantially the following form:

Statement by candidate as to his action if elected.

DELEGATE'S STATEMENT.

I hereby declare to the voters of my political party in the State of California that if elected as delegate to their national party convention, I shall, to the best of my judgment and ability, support that candidate for president of the United States who shall have received the highest number of votes cast throughout the entire state by the voters of my party for said office, at the May presidential primary election.

.....
Signature of candidate for delegate.

SEC. 7. The delegates to each national party convention elected at the May presidential primary election, shall, before leaving the state to attend the convention, meet together and select alternates to the convention. The number of alternates to be selected shall be no greater than one for each delegate, and each alternate must be selected from the congressional district of the delegate for whom he is an alternate; and the method of selection shall be as determined upon by the majority

Alternate delegates.

of the whole number of delegates who have been elected to the convention. The duties of an alternate shall be those usually appertaining to that position, and as prescribed by each party in the call for its national convention. The alternate of any such delegate as may be unable to attend the convention, shall attend the convention in his place, and shall otherwise discharge the duties of said delegate.

Registration
for use at
presidential
primary.

SEC. 8. For purposes of the May presidential primary election, the original affidavits of registration and indexes used in the last general election in any county or city and county in this state may be used, together with the original affidavits of registration since the last election, and supplemental indexes, showing all additional registration, changes and corrections made since the registration for the last general election, completed to and including the thirty-first day prior to said May presidential primary election, which shall be the last day on which any person may register or transfer registration so as to entitle said person to a vote at such primary. Any person registered in accordance with the provisions of this section, and who has stated his political affiliation in accordance with section 1096 of the Political Code, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he has declared himself affiliated. Any person qualified by the provisions of this section to vote at any May presidential primary election shall also be qualified to sign the nomination papers of any person to be voted upon at such primary election.

Qualification
for signing
nomination
paper.

Preparation
and form
of ballot.

SEC. 9. The ballot to be used at the May presidential primary election shall be prepared according to the provisions of sections 2, 4 and 5 of this act, and also according to such provisions of section 12 of the "direct primary law" as are applicable to this act and not in conflict with its provisions: *provided*, that the words at the top of the ballot shall be "Official Presidential Primary Election Ballot," and that the instructions to voters shall be as follows: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the *right* of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group, which cross shall be counted for each name of the group. A group consists of candidates for delegate nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose." There shall be printed in heavy face, twelve point, gothic type, across the page above the column of candidates for delegates, the words, "For Delegates to National Convention Vote for _____, either as individuals or by group, but do not vote for more than _____" (the blanks being filled in by the number of delegates to be elected by the political party concerned).

Instructions
to voters.

Form.

The ballot shall be printed substantially in the following form:

[Face of ballot on insert.]

OFFICIAL PRESIDENTIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

Third Assembly District, May 14, 1912.

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group, which cross shall be counted for each name of the group. A group consists of candidates for delegate nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

Vote for One as Your Choice for Presidential Nominee.

For Presidential Nominee	For Presidential Nominee	For Presidential Nominee	For Presidential Nominee <small>Blank Space.</small>
JOHN P. MONROE	WILLIAM ADAMS	HENRY JACKSON	

For Delegates to National Convention. Vote for 26, either as individuals or by group. But do not vote for more than 26.

Candidates Preferring MONROE	Candidates Preferring ADAMS	Candidates Preferring JACKSON	No Preference Column	Blank Column
<div style="display: flex; justify-content: space-between;"> Top of group. End of group. </div> <div style="display: flex; justify-content: space-between;"> A cross (X) stamped in this square shall be counted for each name in the group to the left. </div>	<div style="display: flex; justify-content: space-between;"> Top of group. End of group. </div> <div style="display: flex; justify-content: space-between;"> A cross (X) stamped in this square shall be counted for each name in the group to the left. </div>	<div style="display: flex; justify-content: space-between;"> Top of group. End of group. </div> <div style="display: flex; justify-content: space-between;"> A cross (X) stamped in this square shall be counted for each name in the group to the left. </div>	<div style="display: flex; justify-content: space-between;"> Top of group. End of group. </div>	
1. JOHN SMITH	1. ANDREW LEWIS	1. THOMAS TUCKER	JAMES CONWAY	
2. CHARLES BROWN	2. JAMES CONNORS	2. WILLIAM REED	EVERETT WILLIAMS	
3. JOSEPH CANNON	3. HENRY HOFFMAN	3. JAMES WILSON	WALTER P. SHORT	
4. G. P. HENRY	4. FRANK CHURCH	4. JOHN BROWN	EDWIN LONG	
5. GEORGE A. HALL	5. GEO. WATSON	5. H. P. GOODMAN	J. T. BLACK	
6. JOHN BORT	6. EDWARD PEASE	6. J. B. SMITH	JOHN COULTER	
7. FRANK GOOD	7. ROBERT LLOYD	7. E. J. JONES	D. V. ELLISON	
8. ROBERT HANSON	8. ROBERT PRINCE	8. PETER STIRLING	ANDREW BUSH	
9. FRANK HANLON	9. PHILIP ROBERTSON	9. N. C. MASON	PERRY ALLEN	
10. FRED MARTIN	10. GEORGE CARPENTER	10. E. R. SILL	SAM BILLINGS	
11. CHAS. B. HAMILTON	11. HENRY SIMMES	11. L. D. JOHNSON	ARTHUR GALE	
12. WALTER PERRY	12. DANIEL SNOW	12. ANDREW TURNER	F. J. WHITE	
13. JOHN GRAHAM	13. WALTER SCOTT	13. F. C. DONAHUE		
14. GEO. P. GOLDEN	14. EDWARD KING	14. D. L. TAYLOR		
15. THOMAS GIBSON	15. FRED TYLER	15. JOHN THOMPSON		
16. HENRY GARDNER	16. WILLIAM BROOKS	16. O. T. MOORE		
17. CHAS. M. FRENCH	17. JOHN GORMAN	17. L. J. CARSON		
18. DAVID FOWLER	18. FRANK McCLURE	18. F. G. JONES		
19. LOUIS FREEMAN	19. HARRY WRIGHT	19. JOHN SAMTER		
20. JACOB DUNBAR	20. CHARLES YOUNG	20. E. F. JOHNSON		
21. HENRY DOYLE	21. DAVID BALL	21. X. V. BROAD		
22. HERMAN DAVIS	22. EUGENE CAHILL	22. PETER HEAD		
23. FRED CLARK	23. ANDREW GREEN	23. L. T. WILLIAMS		
24. ROBERT BURNETT	24. EDWARD WHITE	24. ELLIS THORNTON		
25. JOHN BUSHNELL	25. JAMES GIBSON	25. HUGH CONWAY		
26. CHARLES MARTIN	26. GEO. MERRILL	26. E. T. WILLIAMSON		
THOMAS F. BRADLEY	FRED A. CHAMBERS	FRANK D. ARMES		
DAVID JONES		R. G. KENNY		
		EDWIN MILLER		

SEC. 10. Accompanying the sample ballot for the May presidential primary election mailed to the voters of each political party, there shall be included for such party a sheet with the following title in twenty-four point capital type, "Biographical Sketches of Presidential Candidates." Under this heading there shall appear in twelve point capital type the name of each candidate of such party for nomination for president for whom a biographical sketch is furnished, and below such name shall be printed in ten point type the biography of such candidate in no more than three hundred words. The biographical sketch of each candidate for presidential nomination shall be furnished by such candidate or by such state political organization created in support of his candidacy as shall not be repudiated by him in lacking authority to furnish such biographical sketch. Such biographical sketch shall be sent to the secretary of state together with the sum of two hundred dollars to defray the cost of its publication, at least forty days prior to the date of the May presidential primary election, and it shall be printed at the state printing office and sent to the county clerks or registrars of voters to be mailed with the sample ballots as aforesaid. The biographical sketches of all the candidates for presidential nomination of any party who appear upon the ballot of such party, and none other, shall be printed upon the same sheet, and shall appear in the same order as they appear upon the ballot. The sheet mailed to the voters by the county clerks or registrars of voters shall be the one which contains the biographies of such candidates for presidential nomination as appear upon the ballots mailed to the voters in the same envelope and no other sheet shall be mailed. In the case of any political party for none of whose candidates any biographical sketch has been furnished, no sheet as hereinbefore provided shall be prepared or mailed.

Biographical sketches of candidates for presidential nomination.

SEC. 11. The provisions of the direct primary law as amended by the legislature of the State of California at its special session commencing on the twenty-seventh day of November, 1911, shall govern the May presidential primary election in so far as said provisions are applicable to said election and are not inconsistent with or in conflict with the provisions of this act.

Provisions of direct primary law to govern.

SEC. 12. The first election under the provisions of this act is hereby called for, and shall be held throughout the State of California, on Tuesday, the fourteenth day of May, 1912. It shall be the duty of the secretary of state and the attorney general to prepare, on or before the first day of February, 1912, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all presidential primary elections held in pursuance hereof.

First election called under this act.

SEC. 13. This act shall be known as the Presidential Primary Act.

Title of act.

SEC. 14. This act, inasmuch as it calls an election and provides the procedure therefor, shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

SEC. 15. All acts and parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

CHAPTER 19.

An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said act, and by repealing sections 16, 21, and 31 of said act, and by adding a new section to said act to be designated as section 29 relating to the duties of the county clerk and registrar of voters, also by adding a new section to said act to be designated as section 30 relating to the continuance of proceedings heretofore commenced under said act, also by adding a new section to said act to be designated as section 31, amending the title of said act to read as follows: "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

[Approved December 24, 1911.]

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

Municipal
water
districts.

SECTION 1. Section 2 of an act entitled "An act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, is hereby amended to read as follows:

Territory
which may
be included.

Section 2. The people of any city and county, or of one or more municipal corporations in any county with or without unincorporated territory in such county, in the State of California, may organize a municipal water district under the provisions of this act by proceeding as herein provided.

SEC. 2. Section 3 of said act is hereby amended so as to read as follows:

Petition for
organization,
manner of
presentation.

Section 3. A petition, which may consist of any number of separate instruments, shall be presented to the county clerk of the county in which the proposed water district is located, signed by qualified electors residing within the boundaries of the proposed water district equal in number to at least ten per centum of the number of such qualified electors voting for all candidates for the office of governor of this state at the last

general election prior to the presentation of such petition; *provided*, that where one or more municipal corporations are included in such proposed water district, such petition must be signed by at least ten per centum of the qualified electors of each such municipal corporation so voting at such election. Such petition shall set forth and describe the boundaries of such proposed water district, and shall contain a prayer that such proposed water district be incorporated under the provisions of this act; and the text of such petition shall be published for at least two weeks before the time at which the same is to be presented in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated. Within ten days of the date of the presentation of such petition, the county clerk shall examine the same and ascertain whether or not said petition is signed by the requisite qualified electors; and if requested by the county clerk, the board of supervisors shall authorize him to employ persons specially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the county clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of qualified electors residing within the boundaries of such proposed water district, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If by the certificate of the county clerk the petition is found to be insufficient, he shall also certify to the number of qualified electors required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten days from the date of such certificate. The county clerk shall, within ten days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided. If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of supervisors and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the county clerk, such petition, or such petition as amended, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the board of supervisors.

Publication
of petition.

Examination
by county
clerk.

Supplemental
petition.

Petition
forwarded
to super-
visors.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of

Sufficiency
of petition
not subject
to question
after election
thereon.

qualified electors signing the petition. After an election for the incorporation of such proposed water district, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned. If the county in which such proposed water district is located shall have a registrar of voters other than the county clerk, upon the presentation of the petition herein mentioned to the county clerk, he shall forthwith deliver the same to such registrar of voters, who shall perform the duties herein required to be performed by the county clerk respecting the examination and certification of such petition; and said registrar of voters shall return said petition, immediately upon the completion of such examination, together with his certificate showing the result of such examination, to the county clerk, who shall thereupon present such petition, together with the certificate of the registrar of voters attached thereto to the board of supervisors. When such petition is presented, the board of supervisors shall give notice of an election to be held in said proposed water district for the purpose of determining whether or not the same shall be incorporated. Such notice shall describe the boundaries so established and shall state the proposed name of the proposed incorporation (which name shall contain the words "_____ municipal water district"), and such notice shall be published at least four weeks prior to such election in at least one, but not to exceed three, newspapers printed and published in said county. At such election the proposition to be submitted shall be: "Shall the proposition to organize _____ municipal water district under (naming the chapter containing this act) of the acts of the extra session of the thirtieth session of the California legislature be adopted?" And the election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to general elections, so far as they may be applicable, except as in this act otherwise provided. No person shall be entitled to vote at any election under the provisions of this act unless such person possesses all the qualifications required of electors under the general election laws of the state. Within four days after such election the vote shall be canvassed by the board of supervisors. If a majority of the votes cast at such election shall be in favor of organizing such municipal water district, said board shall by an order entered on its minutes declare the territory included within the proposed boundaries duly organized as a municipal water district under the name theretofore designated, and the county clerk shall immediately cause to be filed with the secretary of state and shall cause to be recorded in the office of the county recorder of the county in which said district is situated, each, a certificate stating that such a proposition was adopted. Upon the receipt of such last mentioned certificate the secretary of state shall, within ten days, issue his certificate reciting that the municipal water district (naming it) has been duly incorporated according to the laws of the State of California. A

Notice of
election.

Conduct of
election.

Canvass of
votes and
declaration
of result.

Certificate
of incorpora-
tion issued
by secretary
of state.

copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such municipal water district is situated. From and after the date of filing said certificate with the secretary of state, the district named therein shall be deemed incorporated as a municipal water district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto. In case less than a majority of the votes cast are in favor of said proposition the organization fails, but without prejudice to renewing proceedings at any time after six months from date of said election.

Renewal of proposition to organize.

SEC. 3. Section 4 of said act is hereby amended so as to read as follows:

Section 4. At an election to be held within such water district under the provisions of this act and the laws governing general elections not inconsistent herewith, the municipal water district thus organized shall proceed within ninety days after its formation to the election of a board of directors consisting, if there are no municipalities within the boundaries of said district, of five members. In all cases where the boundaries of such water district include any municipality or municipalities, said board of directors, in addition to said five directors to be elected as aforesaid, shall consist of one additional director for each one of said municipalities within such municipal water district, each such additional director to be appointed by the mayor of the municipality for which said additional director is allowed; and if there be any unincorporated territory within said water district, of one additional director, to be appointed by the said board of supervisors. Any director so appointed need not be an elector or resident of said district. All directors, elected or appointed, shall hold office until the election and qualification or appointment and qualification of their successors. The term of office of directors elected under the provisions of this act shall be four years from and after their election; *provided*, that the directors first elected after the passage of this act shall hold office only until the election and qualification of their successors as hereinafter provided. The term of office of directors appointed by said mayor or mayors or by said board of supervisors shall be six years from and after the date of appointment. Directors to be first appointed under the provisions of this act shall be appointed within ninety days after the formation of the district. The election of directors of such municipal water district shall be in every fourth year after its organization, on the fourth Tuesday in March, and shall be known as the general water district election. A second election shall be held, when necessary, as hereinafter provided, on the third Tuesday after such general election, and shall be known as the second water district election. All other elections which may be held by authority of this act, or of the general laws, shall be known as special water district elections.

Board of directors to be elected.

Additional directors.

Term of office.

Time of election.

SEC. 4. Section 5 of said act is hereby amended so as to read as follows:

Section 5. (1) The mode of nomination and election of all

Mode of selection of directors.

elective officers of such water district to be voted for at any water district election and the mode of appointment of a director or directors by said mayor or mayors or by said board of supervisors shall be as follows and not otherwise.

Petition for nomination.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of individual certificates.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF CALIFORNIA, }
 COUNTY OF..... } ss.

Precinct No.

I, the undersigned, certify that I do hereby join in a petition for the nomination of whose residence is at No. street, for the office of of the municipal water district to be voted for at the water district election to be held in the municipal water district on the day of 19...; and I further certify that I am a qualified elector residing within said district, and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. street, and that my occupation is.....

(Signed)

STATE OF CALIFORNIA, }
 COUNTY OF..... } ss.

..... being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this.....day of 19...

.....
 Notary Public or Verification Deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to..... at No. street, California.

(4) It shall be the duty of the county clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

(5) Each certificate must be a separate paper. All certifi-

Blanks furnished by county clerk.

cates must be of uniform size as determined by the county clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector residing within said district, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Requisites
for certifi-
cates of
nomination.

(6) Verification deputies, under this section, must be qualified electors of such municipal water district, and shall be appointed by the county clerk or clerks upon application in writing, signed by not less than five qualified electors of such municipal water district. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for office in said municipal water district at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the county clerk.

Verification
deputies,
their qualifi-
cations, and
manner of
appointment.

(7) A petition of nomination, consisting of not less than twenty-five individual certificates, for any one candidate, may be presented to the county clerk not earlier than forty-five days nor later than thirty days before the election. The county clerk shall endorse thereon the date upon which the petition was presented to him.

Time for
presentation
of nomina-
ting petition.

(8) When a petition of nomination is presented for filing to the county clerk, he shall forthwith examine the same, and ascertain whether or not it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the board of supervisors shall provide extra help to

Examination
by county
clerk.

Amendment
of petition.

enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of signer.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the county clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the county clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not equal the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of petition by county clerk.

(11) If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

Preservation of petition.

(12) The county clerk shall preserve in his office for a period of two years, all petitions of nomination and all certificates belonging thereto, filed under this section.

Proclamation of election.

(13) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the provisions of this act, and the board of supervisors shall cause said certified list of names and the offices to be filled, to be published in the proclamation calling the election at least ten successive days before the election in at least one but not more than three newspapers of general circulation published in the county in which such municipal water district is located. Such proclamation shall conform in all respects to the general state law governing the conduct of general elections now or hereafter in force, applicable thereto, except as otherwise herein provided.

Form of ballot.

(14) The county clerk shall cause the ballots to be printed and bound and numbered as provided by said general state law, except as otherwise required in this act. The ballots shall contain the list of names and the respective offices as published in the proclamation and shall be in substantially the following form:

GENERAL (OR SPECIAL) DISTRICT ELECTION,

..... MUNICIPAL WATER DISTRICT,

(Inserting date thereof).

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire

to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

(15) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for questions to be voted upon at municipal water district elections, as provided for under this act. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Style of ballot, and arrangement of names.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

No name to be omitted.

(17) The offices to be filled shall be arranged in the following order: "For director vote for (giving number)."

Arrangement of offices.

(18) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Voting square.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Space for written names.

(20) The county clerk shall cause to be printed sample ballots, identical with the ballot to be used at the election, and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Sample ballots.

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Election of candidate receiving majority vote.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if

Second election, and candidates thereat.

so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

The votes.

Time of second election.
Conduct of second election.

(23) The said second election, if necessary to be held, shall be held three weeks after the first election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only; *and provided, also*, that the same precincts and polling places shall, if possible, be used.

Vacancy by failure to qualify.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Method of appointing directors.

(26) The mode of appointment of director or directors by the mayor or mayors, or by the board of supervisors, shall be by certificate of appointment signed by said mayor or mayors, or issued by said board of supervisors, and transmitted to the board of directors of said water district.

Informalities not to invalidate elections.

(27) No informality in conducting municipal water district elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this act.

SEC. 5. Section 6 of said act is hereby amended so as to read as follows:

Conduct of elections.

Section 6. The provisions of the law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all water district elections, except as in this act otherwise provided; *provided*, that the board of supervisors shall canvass the returns of the election or elections held to select the first board of directors, as herein provided, and that thereafter, except as herein provided, the board of directors shall meet as a canvassing board and duly proceed to canvass the returns within four days after any water district election, including any water district bond election.

Canvass of returns.

SEC. 6. Section 7 of said act is hereby amended so as to read as follows:

Recall.

Section 7. Every incumbent of an elective office, whether elected by popular vote for a full term, or elected by the board of directors to fill a vacancy, or appointed by a mayor or mayors or by said board of supervisors for a full term, is subject to recall by the voters of any municipal water district

organized under the provisions of this act, in accordance with the recall provisions of the general laws of the state with reference to municipal corporations.

SEC. 7. Section 8 of said act is hereby amended so as to read as follows:

Section 8. The board of directors shall be the governing body of such municipal water district. It shall hold its first meeting on the sixth Monday after the first general election for the election of directors as herein provided; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings.

Directors to be governing body.

President.

Conduct of meetings of board.

SEC. 8. Section 9 of said act is hereby amended so as to read as follows:

Section 9. The board of directors shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the board of directors of _____ municipal water district as follows:". All resolutions and ordinances shall be signed by the president of the board of directors and attested by the secretary. Each of the members of the board of directors shall receive for each attendance at the meetings of the board ten dollars, and shall receive no other compensation. No director, however, shall receive pay for more than three meetings in any calendar month. Any vacancy in the board of directors, whether the vacant office is elective or appointive, shall be filled by the remaining directors and the person so chosen shall hold office for the remainder of the unexpired term.

Method of enacting business.

Compensation of directors.

Vacancies in board how filled.

SEC. 9. Section 10 of said act is hereby amended so as to read as follows:

Section 10. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint, by a majority vote, a general manager, a secretary, and an auditor. No director shall be eligible to the office of general manager, secretary, or auditor. The general manager, secretary, and auditor shall receive such compensation as the board of directors shall determine, and each shall serve at the pleasure of the board.

Officers of district elected by directors.

SEC. 10. Section 12 of said act is hereby amended so as to read as follows:

Section 12. Any municipal water district incorporated as herein provided, shall have power:

General powers of district.

1. To have perpetual succession;

General
powers of
district.

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

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges, and construct, maintain and operate conduits, pipe lines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the district, and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized;

6. To lease of and from any person, firm, or public or private corporation, with the privilege of purchasing or otherwise, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the district to municipalities, and to other public corporations within the district, and to the inhabitants of such municipalities and of other territory within the district, for use within said district, without any preference, and it may, whenever there is a surplus of water above that which may be required by such consumers within said district, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or other consumers;

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use, or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the district shall have the same rights, powers and privileges as a municipal corporation;

8. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof;

9. To cause taxes to be levied for the purpose of paying any obligation of the district in the manner hereinafter provided:

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers.

11. In case of condemnation proceedings the board shall proceed in the name of the district.

SEC. 11. Section 13 of said act is hereby amended so as to read as follows:

Section 13. The powers herein enumerated shall, except as herein otherwise provided, be exercised by the board of directors above provided for and elected and appointed as prescribed herein. Powers of directors.

SEC. 12. Section 14 of said act is hereby amended so as to read as follows:

Section 14. The president shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. Duties of president.

The secretary shall give his full time during office hours to the affairs of the district. The general manager shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of said water district, with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, and shall, subject to the approval of the board of directors, fix their compensation. Duties of secretary.

The general manager shall perform such other duties as may be imposed upon him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may adopt. The auditor shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been first approved by at least three of the members of the board of directors and by the general manager. Duties of general manager.

The board of directors shall also designate a depository or depositaries to have the custody of the funds of the district, all of which depositaries shall give security sufficient to secure the district against possible loss, and who shall pay the warrants drawn by the auditor for demands against the district under such rules as the directors may prescribe. Duties of auditor.

The general manager, secretary and auditor, and all other employees or assistants of said district who may be required so to do by the board of directors, shall give such bonds to the district conditioned for the faithful performance of their duties as the board of directors from time to time may provide. Duties of depository of district funds.

SEC. 13. Section 15 of said act is hereby amended so as to read as follows:

Section 15. Whenever the board of directors deem it necessary for the district to incur a bonded indebtedness, it shall, by resolution, so declare and state the proposition to be submitted to the electors, the purpose for which the proposed debt is to be incurred, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed Bonds of officers and employees.

Section 15. Whenever the board of directors deem it necessary for the district to incur a bonded indebtedness, it shall, by resolution, so declare and state the proposition to be submitted to the electors, the purpose for which the proposed debt is to be incurred, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed Creation of bonded indebtedness, and election therefor.

Section 15. Whenever the board of directors deem it necessary for the district to incur a bonded indebtedness, it shall, by resolution, so declare and state the proposition to be submitted to the electors, the purpose for which the proposed debt is to be incurred, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed

five per cent per annum. The board of directors shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred. It shall be the duty of the board of directors to provide for holding such special election on the days so fixed and in accordance with the general election laws of the state so far as the same shall be applicable, except as herein otherwise provided. Such board of directors shall give notice of the holding of such election, which notice shall contain the resolution adopted by the board of directors of the water district, boundaries of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. Such notice shall be published for two weeks in at least one newspaper, and not more than three newspapers, published in such water district, which newspaper or newspapers shall be designated by the board of directors; and if there is no newspaper printed in such water district, then by posting such notice in three public places therein. All the expenses of holding such election shall be borne by the district. The returns of such election shall be made, the votes canvassed by said board of directors on the first Monday following said election, and the results thereof ascertained and declared in accordance with the general election laws of the state so far as they may be applicable, except as herein otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. In all respects not otherwise provided for herein said election shall be called, managed and directed as is by law provided for general elections in this state applicable thereto, except as herein otherwise provided.

SEC. 14. Section 16 of said act is hereby repealed.

SEC. 15. Section 17 of said act is hereby amended so as to read as follows:

Section 17. *If from such returns it appears that more than two thirds of the votes cast at such election were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, provide for the form and execution of such bonds and for the issuance of any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner, either for cash in lawful money of the United States or its equivalent, as it may deem to be to the public interest.*

SEC. 16. Section 19 of said act is hereby amended so as to read as follows:

Section 19. The board of directors shall have power to construct works across any stream of water, water course, street, avenue, highway, railway, canal, ditch, or flume which the route of said works may intersect or cross; *provided*, such

Notice of election, and conduct thereof.

Directors to issue bonds, if proposition receives necessary vote.

Crossings and Intersections.

works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right of way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right of way is hereby given, dedicated and set apart to locate, construct and maintain said works over and through any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to the municipalities within the state.

Rights
of way.

SEC. 17. Section 20 of said act is hereby amended so as to read as follows:

Section 20. The board of directors shall fix all water rates and through the general manager collect the charges for the sale and distribution of water to all consumers.

Water rates
and collec-
tion thereof.

SEC. 18. Section 21 of said act is hereby repealed.

SEC. 19. Section 22 of said act is hereby amended so as to read as follows:

Section 22. The board of directors in the furnishing of water shall fix such rate as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by it, pay the interest on any bonded debt, and, so far as possible, provide a sinking or other fund for the payment of the principal of such debt as it may become due; it being the intention of this section to require the district to pay the interest and principal of its bonded debt from the revenues of the district.

Basis for
determina-
tion of water
rates.

SEC. 20. Section 24 of said act is hereby amended so as to read as follows:

Section 24. The board of directors shall determine the amount necessary to be raised by taxation and shall fix a rate of tax to be levied which will raise the amount of money required by the district, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, certify to the board of supervisors the rate so fixed with a direction that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy and collect a tax in addition to such other tax as may be levied by such board of supervisors at the rate so fixed and determined, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the district ordering its levy and collection. Such tax shall be a lien on all property within the territory comprising the district and of the same force and effect as other liens for taxes, and its collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

Tax for
district pur-
poses, man-
ner of levy
and col-
lection.

Tax to be
lien on
property.

SEC. 21. Section 27 of said act is hereby amended so as to read as follows:

Annexation
of additional
territory.

Section 27. Any portion of a county or any municipality, or both, may be added to any water district organized under the provisions of this act, at any time, upon petition presented in the manner herein provided for the organization of such water district, which petition may be granted by ordinance of the board of directors of such water district. Such ordinance shall be submitted for adoption or rejection to the vote of the electors in such water district, and in the proposed addition, at a general or special election held as herein provided, within seventy days after the adoption of such ordinance. If such ordinance is approved, the president and secretary of the board of directors shall certify that fact to the secretary of state and to the county recorder of the county or counties in which such water district is located. Upon the receipt of such last mentioned certificate the secretary of state shall, within ten days, issue his certificate, reciting the passage of said ordinance and the addition of said territory to said district. A copy of such certificate shall be transmitted to and filed with the county clerk in which such municipal water district is situated. From and after the date of such certificate the territory named therein shall be deemed added to and form a part of said municipal water district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto.

SEC. 22. Section 28 of said act is hereby amended so as to read as follows:

Application
of act.

Section 28. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof, by municipalities within this state. The term "municipality," as used in this act, shall include a consolidated city and county, city or town, and shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing and those hereafter organized for municipal purposes within such water districts. In municipalities in which there is no mayor the duty imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees or other chief executive of the municipality. The word "district" shall apply, unless otherwise expressed or used, to a water district formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such district.

Definitions.

SEC. 23. A new section is hereby added to said act to be known as section 29 as follows:

Duty of
registrar of
of voters.

Section 29. If there shall be a registrar of voters, other than the county clerk, in any county or city and county in which any water district proposed to be incorporated, or incorporated under the provisions of this act, is situated, the duties

required by this act to be performed by the county clerk respecting the nomination of candidates for offices of such water district, and the holding of elections in such water district shall be performed by such registrar of voters.

SEC. 24. A new section is hereby added to said act to be known as section 30 as follows:

Section 30. Any and all proceedings had or taken under the provisions of the act of which this act is amendatory, already commenced and pending at the time this act takes effect, may be continued under the provisions of the act of which this act is amendatory with the same force and effect as if this act had not been enacted.

Continuance
of proceed-
ings under
former act.

SEC. 25. Section 31 of said act is hereby repealed.

SEC. 26. A new section is hereby added to said act, to be known as section 31, as follows:

Section 31. The title of said act is hereby amended so as to read as follows:

An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water-works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Amendment
to title of
former act.

CHAPTER 20.

An act making an appropriation for the purpose of carrying out the provisions of the public utilities act.

[Approved December 24, 1911.]

WHEREAS, The railroad commission act, approved February 10, 1911, appropriated the sum of one hundred thousand dollars, to be used by the railroad commission to carry out the provisions of said act; and

Funds
appropriated
but not
expended
under
railroad
commission
act.

WHEREAS, The public utilities act will repeal the railroad commission act and will thereby turn back into the general fund of this state such portion of said appropriation as may remain unexpended when the public utilities act goes into effect, such moneys so remaining unexpended being estimated at ninety-six thousand dollars; and

WHEREAS, It is necessary to appropriate to the use of the railroad commission said sum of ninety-six thousand dollars and such further moneys as may be needed to enable the railroad commission to perform the additional duties devolving upon the commission under the public utilities act, until the end of the next fiscal year, said additional moneys being estimated to be sixteen thousand dollars for the salaries of two

Necessity for
appropriation
of money for
expenditure
under public
utilities
act.

additional commissioners and ninety-two thousand dollars for new public utility work; now, therefore,

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

Appropriation.

SECTION 1. The sum of two hundred and ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the railroad commission in carrying out the provisions of the public utilities act.

SEC. 2. The state controller is hereby directed to draw his warrant on the general fund from time to time in favor of said commission for the amounts expended under its direction, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect ninety days after the final adjournment of this session of the legislature.

CHAPTER 21.

An act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the state for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hercof.

[Approved December 21, 1911.]

Lands granted to the state for school purposes.

WHEREAS, Under the terms and provisions of certain acts of congress of the United States five hundred thousand acres of land were granted to the state for internal improvement and the sixteenth and thirty-sixth sections in each township, and lands in lieu thereof, were granted to the State of California for school purposes; and,

Disputed claims in relation thereto.

WHEREAS, It is claimed by the United States that prior to March 1, 1877, there were listed to the State of California approximately sixteen thousand acres of land, in excess of the amount of land to which the state was justly entitled; also that the state has received indemnity for certain sixteenth and thirty-sixth sections of land assumed to be within the exterior boundaries of Mexican grants, which sixteenth and thirty-sixth sections were subsequently either wholly or partially excluded from such grants and subsequently sold by the state, the total area being approximately ten thousand one hundred and fifty-one acres; also that the state has received indemnity for certain sixteenth and thirty-sixth sections alleged to be mineral in character which said school sections the state sold

in place, either before or after receiving indemnity therefor, the total area being approximately eight thousand seven hundred and fifteen acres; also that the state received approximately two thousand and twenty-eight acres in excess of the five hundred thousand acre grant; and,

WHEREAS, The department of the interior has for many years withheld from certification the greater part of the lieu land selected by the state, pending a settlement of said matters, and there remains to be listed to the state upward of four hundred and fifty thousand acres, which, if listed, would be subject to taxation; now, therefore,

Lands withheld from certification.

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

SECTION 1. There shall be paid to the federal government by the State of California, acting through the officers hereinafter mentioned and in the manner and upon the terms and conditions hereinafter set forth, the sum of one and twenty-five one-hundredths dollars per acre for all excess certifications of indemnity school lands, which occurred prior to March 1, 1877, and for which said lands no payment has as yet been made to the United States.

Payments to be made to federal government.

SEC. 2. The officers of the State of California mentioned in sections 3519 and 3520 of the Political Code of said state, are hereby authorized, empowered and directed, in the manner in said sections provided, to convey to the United States by patent, or otherwise, such an amount of land in section sixteen and thirty-six, situated in national forests or other reservations, as will equal in area all selections that have been heretofore listed or certified by the government to the State of California, made in lieu of sections sixteen and thirty-six claimed or reported to be mineral in character or embraced in forest or other reservations and wherein such base tracts have been or may be sold or encumbered by the state; *provided, however,* that no lands shall be patented in any case wherein it shall be found that the United States has disposed, by patent or otherwise, of the tract in lieu of which indemnity was claimed and granted.

Conveyance of land to be made to federal government.

SEC. 3. The officers of the state referred to in section two hereof are hereby authorized and directed to convey by patent or otherwise to the United States, in addition to the twelve thousand acres heretofore granted, an amount of land equal in area to any addition excess in certifications occurring since March 1, 1877.

Additional conveyances.

The surveyor general of the State of California is hereby authorized and empowered to locate and select in the United States land offices, for the benefit of persons having certificates of purchase or patents from the state, lands in sections sixteen and thirty-six, which, under the provisions of the act of congress, approved March 1, 1877, and commonly known as the "Booth Act" are claimed to be property of the United States, but which said lands have been heretofore sold or encumbered by the state. The said lands hereby authorized

Surveyor general to make indemnity selections.

to be selected are lands which have been heretofore used or designated by the State of California, as bases for indemnity selections, and for which the State of California received indemnity, but which said lands in said sections sixteen and thirty-six the said state, also sold or encumbered. For the purpose of making the selections hereby authorized to be made the said surveyor general is hereby authorized and empowered to use and designate any bases or lands mentioned in section 3406a of the Political Code of the State of California, or any other bases, which may be proper or valid in making indemnity selections.

Determina-
tion of
acreage.

SEC. 4. For the purpose of carrying into effect the terms and provisions of this act, the surveyor general of the State of California is authorized and directed to ascertain and determine from the records of his office and the records of the department of the interior the amount of lands which should be conveyed to the United States and likewise the number of acres of land as in this act provided for which the state has by the terms of this act authorized and directed payment to be made, and after said facts have been ascertained and determined, the said officers of said state, referred to in sections two and three hereof, are hereby authorized and directed to make, execute and deliver for said state, in its name and as its act and deed, any and all written agreements, deeds, patents or conveyances necessary to carry out and consummate the terms of this act.

Settlement
of claims.

Appropriation.

SEC. 5. The sum of twenty-five thousand (25,000) dollars is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act and paying all necessary expenses of the surveyor general and attorney general in connection herewith and the state controller is hereby authorized and directed to draw his warrant or warrants in favor of the United States, or the proper officers thereof, for such amount as may be payable to said United States under the terms hereof, and also to draw his warrant or warrants for the necessary expenses of the surveyor general and attorney general in carrying out the provisions of this act, and the state treasurer is hereby directed to pay the same.

CHAPTER 22.

An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

[Approved December 24, 1911.]

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

SECTION 1. Individuals, partnerships or corporations may exchange reciprocal or interinsurance contracts providing indemnity among each other from loss or from other damages in accordance with the following provisions of this act; *provided*, that no individual, partnership or corporation thus exchanging indemnity shall assume on any single risk an amount greater than ten per cent of the net financial rating of such individual, partnership or corporation; such financial rating to be shown by the reports of a commercial agency having at least one hundred thousand members.

SEC. 2. Such individuals, partnerships or corporations so contracting among themselves shall have the power to appoint an attorney, agent or other representative and shall, through their attorney, agent or other representative, file with the insurance commissioner of this state a certificate in writing, verified by the oath of said attorney, agent or other representative, setting forth:

(a) The name or title by which said individuals, partnerships or corporations intending to make such contracts shall be known. The insurance commissioner 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.

(b) A verified copy of the form of policy, contract or agreement under or by which such indemnity is to be exchanged.

(c) A verified copy of the form of power of attorney or other authority of any said attorney, agent or other representative setting forth the character of such representation and the authority of such representative.

(d) The location of the office or offices through which said policies, contracts or agreements are to be issued.

(e) Such attorney in fact shall also file a stipulation or agreement in writing that any notice provided by law or by any insurance policy, proof of loss, summons or other process may be served upon the attorney in fact or upon the insurance commissioner of the State of California, in all actions or in other legal proceedings against such individuals, partnerships or corporations thus exchanging indemnity under the provisions of section 1 of this act. All notices, proofs of loss, summons or other legal process so served shall give jurisdiction over the person of such individuals, partnerships or corpora-

Reciprocal or interinsurance contracts for exchange of indemnity authorized; limitation.

Representatives to be appointed and certificate filed with insurance commissioner.

Contents of certificate.

Argument as to service of legal process.

tions thus exchanging indemnity. Whenever such service of notice, proofs of loss, summons or other 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, or summons, or other process to the attorney in fact so appointed by such individuals, partnerships or corporations so contracting among themselves and shall be addressed to such attorney in fact at the home or principal office through which such policies are to be issued. The sending of such copy by the insurance commissioner shall be a necessary part of the service of the notice, proof of loss, summons or other 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 such individuals, partnerships, or corporations thus exchanging indemnity shall be deemed complete at the end of sixty days after the date of the mailing of such copy of such notice, proof of loss, summons or other legal process to the attorney in fact as herein provided for.

Statement
as to keep-
ing risks
within
legal limits.

(f) The attorney, agent or other representative shall, whenever and as often as the same shall be requested, file with the insurance commissioner a statement verified by his oath to the effect that he has examined the commercial rating of the individuals, partnerships or corporations, composing the subscribers in such reciprocal or interinsurance exchange as shown by a commercial agency having at least one hundred thousand subscribers and that, for such examination, it appears that no subscriber of such exchange has assumed on any single risk an amount of liability greater than ten per cent of the net financial rating of such subscriber when such risk was assumed.

Stipulation
as to
taxation
of business.

(g) There shall also be filed with the insurance commissioner by any said attorney, agent or other representative, a written stipulation to the effect that all insurance written by him upon risks situated within this state shall be deemed to be business done in this state and within the terms and subject as to taxation to the provisions of section 14 of article 13 of the constitution of this state.

Certificate
of authority
to do
business.

SEC. 3. The agent, attorney or other representative by or through whom are issued or negotiated any policies of or contracts or agreements for any insurance or indemnity of the character referred to in section one of this act shall procure from the insurance commissioner a certificate of authority stating that all the requirements of this act have been complied with and upon such compliance and the payment of a fee of fifty dollars the insurance commissioner shall issue such certificate. Such certificate must be renewed annually, for which a fee of ten dollars shall be paid. Any such certificate so issued as above may be revoked or suspended by the insurance commissioner if any such individuals, partnerships or corporations exchanging indemnity under the provisions of this act fail to comply with any or all of the requirements of this act.

SEC. 4. The attorney in fact of such individuals, partner-

ships or corporations composing such reciprocal or interinsurance exchange shall file with the insurance commissioner of this state, on or before the first of March of each year, upon forms to be prepared by the insurance commissioner, a statement which must exhibit the condition and affairs of such exchange on the 31st day of December then next preceeding.

Annual report to insurance commissioner.

SEC. 5. The insurance commissioner, whenever he deems necessary, must make an examination of the condition and affairs relating to the exchange of indemnity of such individuals, partnerships or corporations composing such reciprocal or interinsurance exchange and must make such an examination before issuing its original certificate of authority to do business in this state; or where the home office of the interinsurance or reciprocal exchange is located outside of the State of California, and when such interinsurance or reciprocal exchange is licensed by the insurance commissioner or department of the state where such home office is located, the insurance commissioner shall accept as satisfactory a certificate of compliance issued by the insurance commissioner or department of the state where said home office is located. Such examination shall verify the certificate and statement filed by the attorney in fact. Such exchange must open its books and papers for the inspection of the insurance commissioner and shall otherwise facilitate such examination and the commissioner may administer oaths and examine under oath any person relative to the contracts of such exchange, and if he finds the books to have been carelessly or improperly kept or posted he must employ sworn experts to rewrite, post and balance the same at the expense of such individuals, partnerships or corporations composing such reciprocal or interinsurance exchange. Such examination must be conducted in the county where such individuals, partnerships or corporations composing such reciprocal or interinsurance exchange has its principal office and must be private. Whenever the commissioner shall make such examination as aforesaid the same must be at the expense of the individuals, partnerships and corporations composing such reciprocal or interinsurance exchange; such expense to be paid in advance, and in the event or refusal to pay such expenses the insurance commissioner may refuse to issue any such certificate of authority and must revoke any existing certificate of authority authorizing such individuals, partnerships and corporations composing such reciprocal or interinsurance exchange to execute such contracts of indemnity.

Examination by insurance commissioner.

SEC. 6. Unincorporated interindemnity companies who do not issue policies of insurance, who do not charge expenses of management except in liquidation of losses, nor accept premiums from its members shall be exempt from the provisions of this act.

Certain companies exempt.

SEC. 7. All policies and insurance contracts or contracts of indemnity upon a risk or risks situated in the State of California, held by an individual, partnership or corporation as a subscriber of any reciprocal or interinsurance exchange

Policies or contracts of unauthorized exchanges void: exceptions.

which exchange is not authorized to do business in the State of California shall be null and void; *provided*, that any insurance agreement or agreement for indemnity on goods between states or territory and states or to or from a foreign country or the property of common carriers used by such common carriers in the transaction of interstate commerce or commerce with foreign countries, shall be deemed not void.

Taxation.

SEC. 8. For the purpose of taxation under the provisions of section 14 of article 13 of the constitution of the State of California all contracts of indemnity upon risks located in this state between individuals, partnerships and corporations under the provisions of this act shall be deemed to be contracts of insurance upon business done in this state under and subject to the provisions of such section 14 article 13 of the constitution of the State of California.

Exemption from other laws.

SEC. 9. Individuals, partnerships and corporations exchanging reciprocal or interinsurance and contracts providing indemnity among each other shall be exempt from the provisions of other insurance laws of this state.

CHAPTER 23.

An act to amend section one of an act entitled "An act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the constitution of this state and as provided in an act of the thirty-ninth session of the legislature entitled 'An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation'." approved April 26, 1911.

[Approved December 24, 1911.]

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

Amendment of act of thirty-ninth session for payment of certain local bonded indebtedness.

SECTION 1. Section one of an act entitled "An act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the constitution of this state and as provided in an act of the thirty-ninth session of

the legislature entitled 'An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation', approved April 26, 1911, is hereby amended to read as follows:

Section 1. There is hereby appropriated out of any money not otherwise appropriated, the sum of one million five hundred thousand dollars for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten as is provided in section fourteen of article thirteen of the constitution of this state and as provided in an act of the thirty-ninth session of the legislature entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation," and of said moneys hereby appropriated the sum of seven hundred and fifty thousand dollars or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth nineteen hundred and twelve and the sum of seven hundred and fifty thousand dollars or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth one thousand nine hundred and thirteen.

Appropriation, and amount available during each fiscal year.

CHAPTER 24.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, by amending sections twelve and twelve a thereof, relating to the corporate names of associations other than banks.

[Approved December 24, 1911.]

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

SECTION 1. Section 12 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, is amended to read as follows:

Section 12. No person, firm, company, copartnership or corporation not subject to the supervision of the superintendent of banks, and not required to report to him by the provisions of this act, shall make use of any office sign, at the place where such business is transacted, having thereon any artificial or cor-

Unlawful naming or description of business as bank or trust company.

porate name, or other words indicating that such place or office is the place or office of a bank, or that deposits are received there or payments made on check, or any other form of banking business transacted, nor shall such person or persons, firm, company, copartnership or corporation make use of or circulate any letter heads, billheads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper whatever, having thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank or trust company; *provided*, that this section shall not apply to the corporate names of any building and loan association now or heretofore doing business in this state and it is further expressly provided that such associations having in their corporate names words not clearly indicating the nature of their business shall, on all signs, letter heads and advertising matter, state "this is a building and loan association" or words to that effect. Every person, firm, company, copartnership or officer of a corporation violating the provisions of this section shall be guilty of a misdemeanor.

Exception
in case of
building
and loan
associations.

SEC. 2. Section 12a of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, is amended to read as follows:

Section 12a. Every person, firm, company, copartnership or corporation advertising that he or it is transacting the business of a bank, savings bank, or trust company, or making use of any office sign at the place where such business is transacted, having thereon any artificial or corporate name, or, in other words, indicating that such place or office is the place or office of a bank, or that deposits are received there or payments made on check, or that interest is paid on deposits, or that certificates of deposit, either with or without interest, are being issued, or that any other form of banking business is transacted, and every person, firm, company, copartnership or corporation making use of or circulating any letter heads, billheads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper, whatever, having thereon any artificial or corporate name, or advertising that such business is the business of a bank, savings bank or trust company, must have the proper capital stock paid in and set aside for the purpose of transacting such business, as provided for in this act. And every person, firm, company, copartnership or corporation doing any of the things or transacting any of the business defined in this section, must transact such business according to the provisions of the bank act; *provided*, that this section shall not apply to the corporate names of any building and loan association now or heretofore doing business in this state; and it is further expressly provided that such associations having in their corporate names words not clearly indicating the nature of their business shall, on all signs, letter heads and advertising matter, state: "This is a building and loan association" or words to that effect. Nothing in this

Where repre-
sentation is
made that
business is
that of
banking,
compliance
must be
made to
provisions
of this act.

Exceptions
in case of
building
and loan
associations.

section contained shall prohibit building and loan associations from receiving deposits of money and executing certificates therefor in accordance with the laws governing such associations, but all such certificates other than certificates of stock must designate on the face thereof the terms under which such certificates are issued. Every person, firm, company, copartnership or officer of any corporation violating the provisions of this section, shall be guilty of a misdemeanor.

CHAPTER 25.

An act approving the report of the California Débris Commission transmitted to the speaker of the house of representatives by the secretary of war on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

[Approved December 24, 1911.]

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

SECTION 1. The report of the California Débris Commission transmitted to the speaker of the house of representatives of the United States by the secretary of war on the 27th day of June, 1911, with such modifications and amendments as may hereafter be adopted by the reclamation board mentioned in section two of this act, is hereby approved as a plan for controlling the flood waters of the Sacramento river and its tributaries for the improvement and preservation of navigation and the reclamation of the lands that are susceptible to overflow from said river and its tributaries.

Plans for reclamation of lands along Sacramento river.

SEC. 2. There is hereby created a board to be known as the reclamation board, consisting of three persons to be appointed by, and to hold office at the pleasure of the governor. It shall be the duty of said reclamation board, and it is hereby empowered to pass upon and approve plans of reclamation that contemplate the construction of levees, embankments or canals along or near the banks of the Sacramento river or its tributaries or connected therewith, or upon any land adjacent thereto or within any of the overflow basins thereof. Any original plan of reclamation hereafter adopted that includes or contemplates the construction of any levee, embankment, or canal along or near the banks of the Sacramento river or its tributaries or connected therewith, or upon any lands adjacent thereto or within any of the overflow basins thereof, must be

Reclamation board, its powers and duties.

approved by the reclamation board before such plan of reclamation shall have been adopted by the trustees of any reclamation, levee, protection or drainage district or by any person, corporation or association. Any such plan of reclamation shall be void unless first approved by said board, and the construction of any levee, embankment or canal at any of the places hereinbefore mentioned, without such approval, is hereby declared to be a public nuisance, and the reclamation board is hereby empowered to prosecute any suit or suits in the name of the people for the prevention or abatement of such nuisance.

Duty of
state
engineer.

SEC. 3. The state engineer is hereby directed to procure data and make surveys and examinations for the purpose of perfecting the plans contained in the report mentioned in section one of this act, and to make a report thereof to the reclamation board on or before the first day of January, 1913.

Appropriation.

SEC. 4. The sum of ten thousand dollars is hereby appropriated out of any fund in the state treasury, not otherwise appropriated, to pay the expenses of the state engineer in carrying out the directions of this act.

CHAPTER 26.

An act to amend an act entitled "An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered section 2½.

[Approved December 24, 1911.]

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

Dissolution
of irrigation
districts.

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

Proceedings
under
certain
conditions.

Section 2½. In case an irrigation district has no indebtedness not barred by the statute of limitations and no assets, and has ceased to be a going concern and has no irrigation system by which it conveys water for irrigation or domestic purposes to any of the residents of such district, the petition for dissolution mentioned in section two of said act shall contain statements showing such facts and also that it is the desire of the signers of such petition to have said district dissolved, and such petition need not contain any other statement or allegation, and such petition need only be signed by two thirds of the qualified electors residing in such district, and by the hold-

ers of title or evidence of title representing at least fifty per cent of the acreage within said district and not less than fifty per cent in value of all lands lying within the exterior boundaries of said district, the value of said lands to be determined by the last equalized assessment roll of said district, and such petition so signed and containing such statements and allegations shall be sufficient. In such case the plan of dissolution referred to in section 3 of said act need only show the facts that there is no district indebtedness not barred by the statute of limitations and that the district has disposed of all of its assets; *provided*, that the petition shall further recite the fact that an application will be made to the superior court for a decree of dissolution of said district under the provisions of said act. And in the case mentioned in this section, it shall not be necessary to obtain the assent of any holder of any evidence of indebtedness of said district barred by any statute of limitations of this state before the election, provided for in said section three, shall be called.

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

CHAPTER 27.

An act validating the formation and organization, and determining the boundaries of Imperial irrigation district in the county of Imperial, State of California.

[Approved December 24, 1911.]

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

SECTION 1. Imperial irrigation district in the county of Imperial, State of California, as authorized by an affirmative vote of one thousand two hundred and ninety-eight qualified electors of the territory embraced within the boundaries of said district to three hundred and sixty-two votes against the organization thereof, and as formed and organized by the board of supervisors of said Imperial county and as now existing, is hereby recognized and declared valid and all proceedings on formation and organization thereof are hereby approved and declared valid. Imperial
irrigation
district.

SEC. 2. The boundaries of said district are hereby declared to be as follows: Beginning at a point in the international boundary line between the United States and Mexico, said point being situated 200 feet westerly from Monument No. 217 and running thence north to the north line of section 10, in T. 17 S., R. 16 E., according to the U. S. resurvey; thence east one mile more or less to the quarter corner between sections 2 and 11 in said township; thence north one half mile more or less to the center of section 2; thence east one half mile Boundaries.

Boundaries.

more or less to the east line of said section 2; thence north one and one half miles more or less to the intersection of the east line of tract 51, with the north line of section 35, all in T. 16 S., R. 16 E., according to the U. S. resurvey. Thence east along the north line of said section 35, one half mile; thence north one mile more or less, to the southwest corner of tract 64 in said T. 16 S., R. 16 E.; thence east one half mile to the southeast corner of said tract 64; thence north along tract lines three miles to the southeast corner of tract 99, in said T. 16 S., R. 16 E.; thence west quarter mile to the southwest corner of said tract 99; thence north one mile, more or less, to the north line of section 2, of said township; thence west one mile more or less to the northwest corner of said section 2; thence north one mile to the northeast corner of section 34, in T. 15 S., R. 16 E.; thence west one half mile to the quarter corner between sections 27 and 34 of said township; thence north two miles to the quarter corner between sections 15 and 22 of said township; thence east one half mile to southeast corner of said section 15; thence north along section lines eight and one half miles to the quarter corner between sections 2 and 3 in T. 14 S., R. 16 E.; thence west one half mile to the center of said section 3: thence north one half mile to the quarter corner between said section 3 and section 34 in T. 13 S., R. 16 E.; thence west one half mile; thence north one mile; thence west one half mile; thence north one mile; thence west one half mile; thence north two miles; thence west one mile: thence north to the northeast corner of section 6, in said T. 13 S., R. 16 E.; thence west to the quarter corner on the south side of section 36, in T. 12 S., R. 15 E., according to the 1856 survey; thence north one mile; thence west one mile: thence north one mile; thence west one half mile; thence north one mile; thence west one half mile; thence north one mile; thence west one mile; thence north one mile; thence west one half mile; thence north one mile to the southeast corner of section 32 in T. 11 S., R. 15 E., according to 1856 survey; thence west one mile; thence north one mile; thence west one half mile; thence north one mile; thence west one half mile; thence north one and one half miles; thence west one half mile; thence north one half mile; thence west one half mile; thence north one half mile to the quarter corner on the north side of section 3, T. 11 S., R. 14 E., according to the 1856 survey: thence west along township line six and one half miles, more or less to the northwest corner of section 3 in T. 11 S., R. 13 E., according to the 1856 survey; thence south four miles: thence west three miles: thence south five miles: thence west five miles; thence south three miles to the southwest corner of section 32 in T. 12 S., R. 12 E., according to the 1856 survey; thence east one half mile, more or less, to the northwest corner of section 4 in T. 13 S., R. 12 E., according to the U. S. resurvey; thence south one mile, more or less, to

the southwest corner of said section 4; thence east one half mile; thence south one mile; thence east one half mile; thence south one mile; thence east one mile; thence south one mile; thence east one mile; thence south one half mile; thence east one half mile; thence south one and one half miles; thence east one half mile to the southeast corner of section 36 in T. 13 S., R. 12 E., U. S. resurvey; thence south one mile; thence east one half mile; thence south one half mile; thence east one half mile; thence south one half mile; thence east one half mile; thence south one mile; thence east one mile; thence south one mile; thence west one mile, more or less, to the canal known as the Thistle canal, and shown on the official map of Imperial county of date 1909, as "No. 8, high line canal (proposed)"; thence southeasterly along said canal to its intersection with the West Side main canal; thence westerly along said West Side main canal, to its intersection with the Fern canal as shown on said official map; thence westerly and southwesterly along the west side of said Fern canal to its intersection with said West Side main canal; thence in a southerly direction along said West Side main canal, as shown on said official map, to its intersection with the boundary line between United States and Mexico; thence easterly along said boundary line to the point of beginning.

CHAPTER 28.

An act to authorize the superintendent of capitol building and grounds to employ extra help for the extra session of the thirty-ninth legislature, for the month of December, 1911, and appropriating money therefor.

[Approved December 24, 1911.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of six hundred dollars for the purpose of employing for the extra session of the thirty-ninth legislature during the month of December, 1911, one extra engineer at a monthly salary of one hundred and fifty dollars, one extra electrician at a monthly salary of one hundred and fifty dollars, two extra elevator attendants at a monthly salary of ninety dollars each, two extra telephone operators at a monthly salary of sixty dollars each, the money hereby appropriated and the help hereby authorized to be employed being necessary for and incidental to the said extra session of said legislature.

Appropriation to employ extra help for capitol building.

SEC. 2. The superintendent of capitol building and grounds is hereby authorized to employ said extra employees for December, 1911, and the controller is hereby directed to draw his warrant for the money herein appropriated and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 29.

An act to make an appropriation for the contingent expenses of the senate for the extra session of the thirty-ninth legislature of the State of California during the sixty-third fiscal year.

[Approved December 24, 1911.]

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

Appropriation for expenses of extra session.

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

SEC. 2. This act to take effect immediately.

CHAPTER 30.

An act to amend section 4021a of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof.

[Approved January 2, 1912.]

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

SECTION 1. Section 4021a of the Political Code is hereby amended to read as follows:

Recall of officers of counties or subdivisions thereof.

4021a. The holder of any elective office of any county or of any township or supervisor district thereof, may be removed or recalled at any time by the electors; *provided*, he has held his office at least six months. The provisions of this section are intended to apply to officials now in office, as well as to those hereafter elected. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the county clerk, which petition shall be signed by registered voters equal in number to at least twenty per cent of the entire vote cast within such county for all candidates for the office which the incumbent, sought to be removed, occupies at the last preceding general election at which such officer was voted for (or a like percentage of such vote within those precincts of the county embraced within the district, township or subdivision of the county entitled to vote for a successor to the officer named, in case of an official not elected by the county at large), and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in nowise

Petition for removal.

affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of 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 designation of the place of residence as will enable the location to be readily ascertained. Each such separate paper shall have attached thereto an affidavit made by a qualified elector of the county (or particular subdivision of the county, as the case may be) and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the county (or particular subdivision thereof). Within ten days from the date of filing such petition, the clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, 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 supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If required by the clerk, the board of supervisors shall authorize him to employ, and shall provide for the compensation of, persons necessary in the examination of said petition and supplementing petitions, all in addition to the persons regularly employed by him in his office. In case the clerk is the officer sought to be recalled, the duties herein provided to be performed by him, shall be performed by some other person designated by said board, for that purpose. If the petition shall be found to be sufficient, the clerk shall submit the same to the board of supervisors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided*, that if a general election is to occur within sixty days from the date of the order calling such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election occurring not less than thirty-five days after such order. If a

Examination
by clerk.

Supplemental
petition.

Election.

vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made by petition in the manner prescribed by section 1188 of this code; except that no party affiliation of candidate, signer or verification deputy shall be given, nor shall the election as a convention delegate or participation in a primary election be any bar to signing such petition. Upon the sample ballot there shall be printed in not more than two hundred words the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words, the officer may justify his course in office.

Nominations.

Contents of ballot.

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

Successor to officer removed.

Duty of registrar of voters.

CHAPTER 31.

An act to amend section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

[Approved January 2, 1912.]

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

SECTION 1. Section 4058 of the Political Code is hereby amended to read as follows:

4058. Ordinances may also be enacted by and for any county of the state in the manner following: Any proposed ordinance may be submitted to the board of supervisors by a petition filed with the county clerk after being signed by qualified electors of the county not less in number than the percentages hereinafter required. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence and occupation, giving street and number, where such street and number, or either exist, and if no street and number exist, then such a designation of the place of residence as will enable the location to be readily ascertained. Each such separate paper shall have attached thereto an affidavit made by an elector of the county, and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant each is the genuine signature of the person whose name purports to be thereunto subscribed, and of a qualified elector of the county. Within ten days from the date of filing such petition the county clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, 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 supplemented within ten days from the date of such certificate by the filing of additional papers duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action on the petition shall be mandatory on the board of supervisors; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same or similar effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the board of supervisors at its next regular session. If the peti-

Direct
legislation
by counties.
Initiative;
ordinances
proposed by
electors.

tion accompanying the proposed ordinance be signed by electors not less in number than twenty per cent of the entire vote cast within such county for all candidates for governor of the state, at the last preceding general election at which such governor was voted for, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election, then the board of supervisors shall either:

(a) Pass such ordinance without alteration at the regular session at which it is presented and within ten days after it is presented; or,

Election.

(b) Forthwith the supervisors shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to a vote of the electors of the county.

Ballots
used at
elections.

If the petition be signed by electors not less in number than ten per cent of the entire vote cast for all candidates for governor at the last preceding election when such candidates for governor were voted for, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the electors at a special election, and is not passed without change by said legislative body, then such ordinance, without alteration, shall be submitted by the board of supervisors to a vote of the electors at the next general election. The ballots used when voting upon said proposed ordinances shall have printed thereon the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same. 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 county and be considered as adopted upon the date that the vote is canvassed and declared by the board of supervisors and go into effect ten days thereafter. Such ordinance shall have the same force and effect as one passed by the board of supervisors, except that no ordinance proposed by petition as in this section provided and thereafter passed either by the vote of the board of supervisors without submission to a vote of the people or voted upon and adopted by the people, shall be repealed or amended except by a vote of the people, unless provision otherwise be made in the ordinance itself. 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 more than one special election in any period of six months. If any measure be submitted upon an initiative petition of registered voters, as hereinbefore pro-

vided, the persons filing said petition shall have the right, if they so choose, to present and file therewith a written argument in support thereof not exceeding three hundred words in length, which argument shall be printed upon the sample ballot issued for said election. Upon the same ballot shall also be printed any argument of not exceeding three hundred words in length in opposition thereto, which may be prepared by the board of supervisors. If the provisions of two or more ordinances adopted at the same election conflict, then the ordinance receiving the highest number of affirmative votes shall control. The board of supervisors may submit to the people, without a petition therefor, a proposition for the repeal of any adopted ordinance or for amendments thereto or for the enactment of any new ordinance to be voted upon at any succeeding general or special election, and if such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed, amended or enacted accordingly.

Arguments.

Reference to people by supervisors without petition.

Whenever any ordinance or proposition is required by this section to be submitted to the voters of a county at any election, the county clerk shall cause the ordinance or proposition to be printed, and he shall mail a printed copy thereof, enclosed in an envelope, with a sample ballot to each voter, at least ten days prior to the election. Notice of the election shall be given by the board of supervisors by publication in some newspaper of general circulation throughout the county, to be designated by such board, for at least two weeks before the election. All the provisions of this section are to be liberally construed for the purpose of ascertaining and enforcing the will of the electors. The enacting clause of an ordinance passed by the vote of the electors shall be substantially in the following form: "The people of the county of _____ do ordain as follows:". When a special election is to be called under the terms of this section it shall be held not less than thirty nor more than sixty days after the date of the presentation of the proposed ordinance to the board of supervisors, and shall be held as nearly as may be in accordance with the election laws of the state; *provided, however,* that, to avoid holding more than one such election, within any six months, the date for holding such special election may be fixed later than such sixty days, but at as early a date as practicable after the expiration of such six months; *provided, further,* that when under any of the terms of this statute fixing the time within which a special election shall be held it is made possible to hold the same within six months prior to a general election, the board of supervisors may, in its discretion, submit the proposed ordinance at such general election instead of at a special election. Except an ordinance calling, or otherwise relating to an election, no ordinance passed by the board of supervisors, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts

Copies sent to voters.

Time of holding elections.

Submission
to people of
ordinance
passed by
supervisors.

constituting its urgency and is passed by a four-fifths vote of the board, and no ordinance granting a franchise shall go into effect before thirty days from its final passage; and if, during said thirty days, a petition signed by qualified electors of the county equal to ten per cent of the entire vote cast therein for all candidates for governor of the state at the last preceding general election at which a governor was voted for, protesting against the passage of such ordinance, be presented to the board, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board to reconsider such ordinance. If said board shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a general election or a special election to be called for the purpose, and such ordinance shall not go into effect or become operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions and the provisions of the law relative to the duty of the clerk in regard thereto, and the manner of voting thereon, shall conform to the rules provided herein for the initiation of legislation by the electors.

Duty of
registrar of
of voters.

SEC. 2. Where the office of registrar of voters exists, the duties herein imposed upon the county clerk shall be performed by said registrar of voters.

CHAPTER 32.

An act to provide for the recall of elective officers of incorporated cities and towns.

[Approved January 2, 1912.]

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

Recall of
officers of
municipal
corporations.

Petition
for removal.

SECTION 1. The holder of any elective office of any incorporated city or town may be removed or recalled at any time by the electors; *provided*, he has held his office at least six months. The provisions of this statute are intended to apply to officials now in office, as well as to those hereafter elected. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the clerk of the legislative body of such city or town, which petition shall be signed by qualified voters equal in number to at least twenty-five per cent of the entire vote cast within such city or town for all candidates for the office which the incumbent sought to be removed occupies, at the last preceding regular municipal election at which such officer was voted for (or a like percentage of such vote within those precincts of the city or town embraced within the ward or subdivision of the city or town entitled to vote for a successor to the officer named, in

case of an official not elected by the city or town at large), and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of 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 designation of the place of residence as will enable the location to be readily ascertained. Each such separate paper shall have attached thereto an affidavit made by a qualified elector of the city or town (or particular subdivision thereof as the case may be) and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed, and of a qualified elector of the city or town (or particular subdivision thereof). Within ten days from the date of filing such petition, the clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified voters, 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 supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If required by the clerk, the legislative body of said city or town, shall authorize him to employ, and shall provide for the compensation to be paid, persons necessary in the examination of said petition and supplementing petition, all in addition to the persons regularly employed by him in his office. In case the clerk is the officer sought to be recalled, the duties herein provided to be performed by him shall be performed by some other person designated by said legislative body for that purpose. If the petition shall be found to be sufficient, the clerk shall submit the same to the legislative body of the city or town without delay, whereupon, that body shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer;

Examination
by clerk.

Supplemental
petition.

Election.

provided, that if a regular municipal election is to occur within sixty days from the date of the order calling such election, the legislative body of the city or town may, in its discretion, postpone the holding of such election to such regular municipal election or submit such recall election at any such election occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials.

Nominations. Nominations for any office under such recall election shall be made by petition in the manner prescribed by section 1188 of the Political Code; except that no party affiliation of candidate, signer or verification deputy shall be given, nor shall the election as a convention delegate or participation in a primary election be any bar to signing such petition. Upon the sample ballot there shall be printed in not more than two hundred words, the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words, the officer may justify his course in office. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate by stamping a cross (X) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election.

Successor to officer removed. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Nominations.

Contents of ballot.

Successor to officer removed.

SEC. 2. This act is not intended to apply to those cities having a freeholders' charter, adopted under the provisions of section 8 of article XI of the constitution, and having in such charter provision for the recall of elective officials by the electors. Application of act to chartered cities.

SEC. 3. Section one (1) of an act entitled "An act adding three new sections to an act entitled 'An act to provide for the organization, incorporation and government of municipal corporations,' approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative, and referendum," and approved March 14th, 1911, is hereby repealed. Repeal of former law.

CHAPTER 33.

An act to provide for direct legislation by cities and towns, including initiative and referendum.

[Approved January 2, 1912.]

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

SECTION 1. Ordinances may be enacted by and for any incorporated city or town of the state in the manner following: Any proposed ordinance may be submitted to the legislative body of such city or town by a petition filed with the clerk of such legislative body after being signed by qualified electors of the city or town not less in number than the percentages hereinafter required. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature 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 designation of the place of residence as will enable the location to be readily ascertained. Each such separate paper shall have attached thereto an affidavit made by a qualified elector of the city or town, and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed, and of a qualified elector of the city or town. Within ten days from the date of filing such petition, the clerk shall examine, and from the records of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, 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 supplemented within ten days from the date of such certificate by the filing of additional papers, duplicates of the Direct legislation by municipal corporations.

Initiative ordinance proposed by electors.

original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action on the petition shall be mandatory on the legislative body; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same or similar effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the legislative body at its next regular session. If the petition accompanying the proposed ordinance be signed by electors not less in number than twenty per cent of the entire vote cast within such city or town for all candidates for governor of the state, at the last preceding general election at which such governor was voted for, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election, then the legislative body shall either:

(a) Pass such ordinance without alteration at the regular session at which it is presented and within ten days after it is presented; or,

Election.

(b) Forthwith, the legislative body shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to a vote of the electors of the city or town.

If the petition be signed by electors not less in number than ten per cent of the entire vote cast for all such candidates for governor at the last preceding election when such candidates for governor were voted for, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the electors at a special election, and is not passed without change by said legislative body, then such ordinance, without alteration, shall be submitted by the legislative body to a vote of the electors at the next regular municipal election. The ballots used when voting upon said proposed ordinance shall have printed thereon the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same. 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 or town, and be considered as adopted upon the date that the vote is canvassed and declared by the canvassing board, and go into effect ten days thereafter. Such ordinance shall have the same force and effect as one passed by the legislative body of the city or town, except that no ordinance proposed by

Ballots used at elections.

petition as in this section provided, and thereafter passed by the vote of the legislative body of the city or town without submission to a vote of the people, or voted upon and adopted by the people, shall be repealed or amended except by a vote of the people, unless provision otherwise be made in the ordinance itself. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this statute; *provided*, that there shall not be held under this statute more than one special election in any period of six months. If any measure be submitted upon an initiative petition of registered voters, as hereinbefore provided, the persons filing said petition shall have the right, if they so choose, to present and file therewith a written argument in support thereof not exceeding three hundred words in length, which argument shall be printed upon the sample ballot issued for said election. Upon the same ballot shall also be printed any argument of not exceeding three hundred words in length in opposition thereto which may be prepared by the legislative body. If the provisions of two or more ordinances adopted at the same election conflict, then the ordinance receiving the highest number of affirmative votes shall control. The legislative body of the city or town may submit to the people, without a petition therefor, a proposition for the repeal of any adopted ordinance, or for amendments thereto, or for the enactment of any new ordinance, to be voted upon at any succeeding regular or special municipal city or town election, and if such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed, amended or enacted accordingly. Whenever any ordinance or proposition is required by this statute to be submitted to the voters of a city or town at any election, the clerk of the legislative body shall cause the ordinance or proposition to be printed and he shall mail a copy thereof, enclosed in an envelope with a sample ballot to each voter at least ten days prior to the election. All the provisions of this statute are to be liberally construed for the purpose of ascertaining and enforcing the will of the electors. The enacting clause of an ordinance passed by the vote of the electors shall be substantially in the following form: "The people of the city (or town) of ——— do ordain as follows:". When a special election is to be called under the terms of this section, it shall be held not less than thirty nor more than sixty days after the date of the presentation of the proposed ordinance to the legislative body, and shall be held as nearly as may be in accordance with the election laws of the state; *provided, however*, that, to avoid holding more than one such election within any six months, the date for holding such special election may be fixed later than sixty days, but at as early a date as practicable after the expiration of such six months; *provided, further*, that when under any of the terms of this statute fixing the time within which a special election shall be held it is made possible to hold the same within six months prior to a regular munic-

Arguments.

Initiated to people by legislative body without petition.

Copies sent to voters.

Time of holding elections.

ipal election, the legislative body may in its discretion, submit the proposed ordinance at such regular election instead of at a special election. Except an ordinance calling or otherwise relating to an election, no ordinance passed by the legislative body of a city or town, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths vote of the legislative body of a city or town, and no ordinance granting a franchise shall go into effect before thirty days from its final passage; and if, during said thirty days, a petition, signed by qualified voters of the city or town equal to ten per cent of the entire vote cast therein for all candidates for governor of the state at the last preceding general election at which a governor was voted for, protesting against the passage of such ordinance, be presented to the legislative body, the same shall thereupon be suspended from going into operation, and it shall be the duty of the legislative body to reconsider such ordinance. If said legislative body shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a regular municipal election or a special election to be called for the purpose, and such ordinance shall not go into effect or become operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions and the provisions of the law relative to the duty of the clerk in regard thereto and the manner of voting thereon, shall conform to the rules provided herein for the initiation of legislation by the electors.

Submission
to people
of ordinance
passed by
legislative
body.

Effect of
veto by
mayor.

In cities or towns having a mayor (or like officer), with the veto power, the passage of an ordinance petitioned for by the electors, followed by its veto by the mayor (or like officer) and the failure of the legislative body to pass the same over such veto, shall be deemed and treated as a refusal of the legislative body to pass the ordinance, within the meaning of this statute; and a vote of the legislative body in favor of the repeal of an ordinance previously passed (but protested against by the electors as herein provided for) followed by a veto of such repeal by the mayor (or like officer) and the failure of the legislative body to pass said repeal over said veto, shall be deemed and treated as a refusal to repeal the ordinance so protested against. In such city or town the date of approval of an ordinance by the mayor or like officer (or of the expiration without his action thereon of the time within which he may veto the same, if such expiration of time for his action without his approval or veto has the effect of making the ordinance a law) shall be deemed the date of final passage of the ordinance by the legislative body, within the meaning of this statute. Any duty herein in terms, or by reasonable implication, imposed upon the legislative body in regard to calling an election, or in connection therewith, shall be likewise imposed upon any mayor, or any other officer having any duty to per-

Date of
final
passage.

form connected with the elections, so far as may be necessary to fully carry out the provisions of this statute.

SEC. 2. This act is not intended to apply to those cities having a freeholders' charter adopted and ratified under the provisions of section 8 of article XI of the constitution, and having in such charter provision for the direct initiation of ordinances by the electors. Application of act to chartered cities.

SEC. 3. Sections 2 and 3 of the act approved March 14th, 1911, entitled "An act adding three new sections to an act entitled 'An act to provide for the organization, incorporation and government of municipal corporations,' approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative and referendum," are hereby repealed. Repeal of former law.

CHAPTER 34.

An act to amend an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts.

[Approved January 2, 1912.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, to be numbered 28½ and to read as follows: Irrigation districts.

Section 28½. The holder of any elective office of any irrigation district may be removed or recalled at any time by the electors; *provided*, he has held his office at least six months. The provisions of this section are intended to apply to officials now in office, as well as to those hereafter elected. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the board of directors of such district, which petition shall be signed by registered voters equal in number to at least twenty-five per cent of the highest vote cast within such district for candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at Recall of officers. Petition for removal.

which an incumbent of such office was elected, or, in the case of the removal of the incumbent of an office elected by a subdivision of such district, such petition shall be signed by a like percentage of qualified electors of such subdivision computed upon the total number of votes cast in such subdivision for all candidates for the office, the incumbent of which is sought to be removed, at the last general election in such subdivision at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in nowise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the precinct, and if within a town having named streets and numbered houses, street and number. Each such separate paper shall have attached thereto an affidavit made by an elector of the district and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the district. Within ten days from the date of filing such petition, the secretary of the board shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within ten days after such supplementing papers are filed, make like examination of a supplementing petition, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of directors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided*, that if a general election is to occur within sixty days from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such

Examination
by secretary.

Supple-
mental
petition.

Election.

district occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the manner prescribed by section 22*b* of this act.

Nominations.

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

Contents
of ballot.Successor
to officer
removed.

CHAPTER 35.

An act to amend section 2694 of the Political Code of the State of California, relating to public highways.

[Approved January 2, 1912.]

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

SECTION 1. Section 2694 of the Political Code of the State of California is hereby amended to read as follows:

Roads cross-
ing railroads,
street rail-
roads, canals,
and ditches.

2694. Whenever the general route of the road to be abandoned, altered, laid out or constructed is shown by the petition provided for by section 2682 of this code to cross the track or right of way of any railroad or street railroad, the county clerk of the county wherein said petition is filed shall immediately upon the appointment of viewers by the board of supervisors transmit to the railroad commission a certified copy of the petition and of the order appointing viewers. Said commission shall thereupon fix a day for the hearing of said petition, and shall give notice thereof to said viewers, to the district attorney and clerk of the board of supervisors of the county wherein said petition is filed, and to the resident owner or agent of the owner of the land over which the proposed road is to run, and said hearing shall be held at the rooms of the board of supervisors of said county. At said hearing the said commission shall hear the evidence offered as to the crossing of said track or right of way by said proposed road, and shall thereupon determine whether said proposed road shall, if constructed, be constructed across said track at grade or otherwise, and shall determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation and maintenance, use and protection of said crossing. The said conclusions of said commission shall thereupon be reported to the board of supervisors, and in its order fixing a day for hearing the viewers' report, the said board shall include therein an order fixing a day for hearing said conclusions which shall be the same day fixed for hearing the said viewers' report. Notice of said hearing shall be given in the manner and for the time prescribed by section 2688 of this code, and, in addition to said notice, the county clerk shall notify said commission of the time and place of said hearing, and at said hearing the board of supervisors shall first proceed to the consideration of said conclusions of said commission, and if the same be rejected, no further proceeding shall be had in said matter. If the same be approved, said board shall proceed in the manner provided by law to act upon said viewers' report. The board shall have no power to change or modify said conclusions except by and with the consent of said commission. Whenever highways are laid out to cross canals or ditches, on public lands, the owners or corporations using the same must, at their own expense, so

Manner of
crossing
tracks.

Canals or
ditches.

prepare their canals or ditches that the public highway may cross the same without danger or delay; and when the right of way for a public highway is obtained through the judgment of any court over any railroad, canal or ditch, no damages must be awarded for the simple right to cross the same. Damages.

CHAPTER 36.

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

[Approved January 2, 1912.]

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

SECTION 1. Section 4 of the act entitled "An act to provide for the organization and government of irrigation districts, and to provide for its acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows: Irrigation districts

Section 4. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within one year after the order of the board of supervisors declaring such district organized as herein provided, and not otherwise. Finding of board to be conclusive.

CHAPTER 37.

An act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the state into legislative districts and defining and establishing such districts, and to repeal an act entitled "An act to divide the state into legislative districts as required by section six, article four, of the constitution, and to provide for the election of assemblymen and senators in such districts," approved March 11, 1891; and also to repeal an act entitled "An act to divide the state into legislative districts and to provide for the election of senators and assemblymen therein," approved March 27, 1901, and all other acts in conflict with this act.

[Approved January 2, 1912.]

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

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

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, Siskiyou, Shasta and Lassen shall constitute the second senatorial district.

Third.

3. The counties of Plumas, Sierra, Nevada, Placer and El Dorado shall constitute the third senatorial district.

Fourth.

4. The counties of Mendocino, Colusa, Lake and Glenn shall constitute the fourth senatorial district.

Fifth.

5. The counties of Napa and Solano shall constitute the fifth senatorial district.

Sixth.

6. The counties of Butte, Yuba, Sutter and Yolo shall constitute the sixth senatorial district.

Seventh.

7. The county of Sacramento shall constitute the seventh senatorial district.

Eighth.

8. The county of Sonoma shall constitute the eighth senatorial district.

Ninth.

9. The counties of Marin and Contra Costa shall constitute the ninth senatorial district.

Tenth.

10. The counties of San Joaquin and Amador shall constitute the tenth senatorial district.

Eleventh.

11. The counties of San Mateo, San Benito and Santa Cruz shall constitute the eleventh senatorial district.

Twelfth.

12. The counties of Tuolumne, Mariposa, Stanislaus, Merced, Alpine, Mono, Madera and Calaveras shall constitute the twelfth senatorial district.

Thirteenth.

13. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the line dividing Oakland and Brooklyn townships intersects the northeasterly boundary line of the county of Alameda; thence southwesterly

along said dividing line to the northeasterly boundary line of the city of Piedmont; thence southeasterly and southerly following the northern and eastern boundary line of the city of Piedmont to the southeasterly corner thereof; thence southwesterly along Thirteenth avenue to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln or East Thirty-first street to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as the old County Road; thence easterly along said old County Road to the center line of High street; thence easterly along center line of the Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southwesterly along said line of Ninetieth avenue, crossing East Fourteenth street to the center line of "B," or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda county; thence southerly along said westerly boundary line to its intersection with the northerly boundary line of Santa Clara county; thence easterly along the boundary line dividing Alameda and Santa Clara counties to a point which is the intersection of the boundary lines of the counties of Alameda, Santa Clara, Stanislaus and San Joaquin; thence northwesterly and northerly along the boundary line between the counties of Alameda and San Joaquin to a point where the boundary line dividing the counties of Alameda and Contra Costa intersects the westerly boundary line of the county of San Joaquin; thence in a southwesterly and northwesterly direction along the boundary line between the counties of Alameda and Contra Costa to the point of beginning, shall constitute the thirteenth senatorial district.

14. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the westerly boundary line of the county of Alameda is intersected by the line dividing Oakland and Alameda townships; thence easterly along said dividing line to a point in Oakland harbor where said line is intersected by the line dividing Oakland and Brooklyn townships; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along said last boundary line to the center of Thirteenth avenue; thence northeasterly along center line of Thirteenth avenue, or County Road to Moraga Valley, to the center line of Fourteenth.

teenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln, or East Thirty-first street, to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as old County Road; thence easterly along said old County Road to the center line of High street; thence along the center line of Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southerly along said line of Ninetieth avenue, crossing East Fourteenth street to "B," or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda county; thence northwesterly along the westerly county boundary line to the southerly boundary line of Oakland township and the point of beginning, shall constitute the fourteenth senatorial district.

Fifteenth.

15. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence easterly along the northern boundary line of Alameda township to the westerly line of Brooklyn township, the same being a point in Oakland harbor; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along last said boundary line to the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue, or County Road to Moraga Valley, to the southeastern corner of the city of Piedmont; thence northerly and westerly

following the easterly and northerly boundary lines of the city of Piedmont to the line dividing Brooklyn and Oakland townships; thence northeasterly along the last said township line to the boundary line of Alameda county; thence northwesterly along the county boundary line to the point of beginning, shall constitute the fifteenth senatorial district.

16. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northerly boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly, following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence westerly along the line dividing Alameda and Oakland townships to the western boundary line of the county of Alameda; thence northerly along the said county boundary line to the northern boundary line of the county of Alameda; thence easterly following the northern boundary line of the county of Alameda to the point of beginning, shall constitute the sixteenth senatorial district.

17. The counties of Monterey and San Luis Obispo shall constitute the seventeenth senatorial district.

18. All that portion of the city and county of San Francisco described as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing thence along the center line of the following named streets, to wit: Market to the waters of the bay of San Francisco; thence along the shore line northerly to Filbert street, Filbert to Leavenworth, Leavenworth to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market street, the place 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 eighteenth senatorial district.

19. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Maple and California streets, continuing thence along the center line of the following named streets: California to Baker, Baker to Pine, Pine to Laguna, Laguna to Sutter, Sutter street to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Leavenworth, Leavenworth to Filbert, Filbert to the waters of the bay of San Francisco; thence along

the shore line of said bay northerly and westerly to the waters of the Pacific ocean; thence along said shore line to Lobos creek where the same enters into the Pacific ocean; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, the place of beginning, shall constitute the nineteenth senatorial district.

Twentieth.

20. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Pine and Laguna streets, continuing thence along the center line of the following named streets: Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk, Turk to Baker, Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly line of the San Miguel rancho; thence along said line northerly to a point opposite Seventeenth street; thence along said line of Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel rancho; thence along said line to Corbett avenue and Sloat boulevard; thence along said line of the Sloat boulevard to the waters of the Pacific ocean; thence along the shore line of said ocean northerly and easterly to Lobos creek; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, California to Baker, Baker to Pine, Pine to Laguna, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the twentieth senatorial district.

Twenty-first.

21. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twenty-first street with the center line of Dolores street; thence along the center line of the following named streets, to wit: Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Army street, Army street to Mission street, Mission street to Twenty-ninth street, Twenty-ninth street to Dolores street, Dolores street to point of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets; thence along the center line of the following named streets; Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to Dolores street, Dolores street to Twenty-second street, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to the westerly boundary line of

the San Miguel rancho; thence along the line of said San Miguel rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham street, if extended, easterly to a point in the easterly boundary line of the San Miguel rancho opposite Seventeenth street; thence along said line southerly to Palo Alto avenue. Palo Alto avenue to Burnett avenue, Burnett avenue to Clarendon avenue. Clarendon avenue to Clayton street, Clayton street to Frederick street, Frederick street to Buena Vista avenue. Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Fillmore street, the place of beginning, and the following described portion of the city and county of San Francisco, to wit: Commencing at the point of intersection of the center line of Bryant avenue with the center line of Twenty-first street; thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to Connecticut street, Connecticut street to Twentieth street, Twentieth street to Bryant avenue, Bryant avenue to the point of beginning, shall constitute the twenty-first senatorial district.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-first street and Bryant avenue, continuing thence along the center line of the following named streets: Bryant avenue to Eleventh street, Eleventh to Market, Market street to Van Ness avenue, Van Ness avenue to Sutter street, Sutter street to Laguna, Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk street, Turk to Baker, Baker to Oak, Oak to Fillmore, Fillmore to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, the place of beginning, shall constitute the twenty-second senatorial district.

Twenty-second.

23. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, and the following described portion of the city and county of San Francisco: Commencing at the point of intersection of the center line of Twentieth street with the center line of Connecticut street; thence along the center line of the following named streets, to wit: Connecticut street to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly

Twenty-third.

along said boundary line to the shore line of the bay of San Francisco; thence northerly along said shore line to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the twenty-third senatorial district.

Twenty-fourth.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to San Jose avenue, San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; thence along the center line of the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the intersection of the waters of the Pacific ocean; thence along the shore line of said ocean northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Dolores street, the place of beginning, shall constitute the twenty-fourth senatorial district.

Twenty-fifth.

25. The counties of Ventura and Santa Barbara 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, as designated and constituted by this section, shall constitute the twenty-seventh senatorial district.

Twenty-eighth.

28. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred ten, to wit: Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two, shall constitute the twenty-eighth senatorial district.

29. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the north patent boundary line of the city of Los Angeles with the center line of the Los Angeles river; thence southeasterly and southerly along the center line of the Los Angeles river and the center line of the official bed of the Los Angeles river to its intersection with the center line of North Broadway from the east; thence along the center line of the following named streets, to wit: North Broadway to Daly street, Daly street to Mission road, Mission road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue, Brooklyn avenue to Pleasant avenue, Pleasant avenue to First street, First street to Pecan street, Pecan street to Fifth street, Fifth street to Gless street, Gless street to Sixth street, Sixth street and its extension westerly along the line of assembly district number sixty-five, as designated and constituted by section ninety of this code, to the center line of the official bed of the Los Angeles river; thence southerly along the line last mentioned and the prolongation thereof to the south boundary line of the city of Los Angeles; thence westerly along the line last mentioned to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first street from the west, Twenty-first street to Maple avenue, Maple avenue to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary of the city of Los Angeles; thence easterly along the line last mentioned to the place of beginning, 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. All that portion of the county of Los Angeles embraced within and comprising the seventy-first and seventy-second assembly districts, as designated and constituted by section ninety of this code, shall constitute the thirty-first senatorial district.

Thirty-first.

32. The counties of Kings, Tulare and Kern shall constitute the thirty-second senatorial district.

Thirty-second.

33. All that portion of the county of Los Angeles embraced within and comprising the sixty-eighth and seventieth assembly districts, as designated and constituted by section ninety of this code, shall constitute the thirty-third senatorial district.

Thirty-third.

34. All that portion of the county of Los Angeles embraced within and comprising the sixty-second assembly district, as

Thirty-fourth.

designated and constituted by section ninety of this code and all that portion of said county bounded as follows: Commencing at the intersection of the center line of Washington street and Hoover street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Seventh street, Seventh street to Vermont avenue, Vermont avenue to Melrose avenue, Melrose avenue to the west patent boundary line of said city: thence north along said patent boundary line to the northwest corner of said city as described in the United States patent; thence east along the north patent boundary of said city to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911; thence north-westerly, westerly and southerly following the exterior lines of those portions of Tropico precincts numbers one and two, and of Ivanhoe precinct so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the center line of Washington street; thence east along said center line to the point of beginning, shall constitute the thirty-fourth senatorial district.

Thirty-
fourth.

35. All that portion of the county of Los Angeles embraced within and comprising the sixty-sixth and sixty-ninth assembly districts, as designated and constituted by section ninety of this code, shall constitute the thirty-fifth senatorial district.

Thirty-
sixth.

36. All that portion of the county of Los Angeles embraced within and comprising the sixty-seventh assembly district as designated and constituted by section ninety of this code, and all that portion of said county embraced within and comprising the sixty-first assembly district, as so designated and constituted, excepting therefrom that portion of said sixty-first assembly district situate within the city of Los Angeles and lying west of the following described lines, to wit: Beginning at the intersection of the north patent boundary line of said city with the center line of the Los Angeles river; thence southeasterly and southerly along the center line of the Los Angeles river and the center line of the official bed of the Los Angeles river to its intersection with the center line of North Broadway from the east, shall constitute the thirty-sixth senatorial district.

Thirty-
seventh.

37. All that portion of the county of Los Angeles described as follows: Beginning at the intersection of the center lines of Wall street and Fifth street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive,

Look Out Drive to Park Terrace. Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary line of the city of Los Angeles; thence west along said boundary line to the northwest corner of said city as described in the United States patent; thence south along the west patent boundary line of said city to the center line of Melrose avenue; thence along the center line of the following named streets, to wit: Melrose avenue to Vermont avenue, Vermont avenue to Seventh street, Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Blaine street, Blaine street to Tenth street, Tenth street to Georgia street, Georgia street to Ottawa street, Ottawa street to Figueroa street, Figueroa street to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, the place of beginning, shall constitute the thirty-seventh senatorial district.

38. All that portion of the county of Los Angeles bounded as follows: Beginning at the intersection of the center line of Maple street and Eleventh street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Eleventh street to Figueroa street, Figueroa street to Ottawa street, Ottawa street to Georgia street, Georgia street to Tenth street, Tenth street to Blaine street, Blaine street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles; thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street. Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first street from the west; Twenty-first street to Maple avenue, Maple avenue to Eleventh street the place of beginning, shall constitute the thirty-eighth senatorial district.

Thirty-eighth.

39. The counties of Riverside, Orange and Imperial shall constitute the thirty-ninth senatorial district.

Thirty-ninth.

40. The county of San Diego shall constitute the fortieth senatorial district.

Fortieth.

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

90. The state is hereby divided into eighty assembly districts, respectively numbered and constituted as follows:

Assembly districts.

1. The counties of Del Norte and Siskiyou shall constitute the first assembly district.

First.

- Second. 2. The county of Humboldt shall constitute the second assembly district.
- Third. 3. The counties of Shasta and Trinity shall constitute the third assembly district.
- Fourth. 4. The counties of Plumas, Lassen, Modoc and Sierra shall constitute the fourth assembly district.
- Fifth. 5. The counties of Tehama, Glenn and Colusa 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, Sutter and Yolo shall constitute the eighth assembly district.
- Ninth. 9. The counties of Nevada and Placer shall constitute the ninth assembly district.
- Tenth. 10. The county of Solano shall constitute the tenth assembly district.
- Eleventh. 11. The counties of Napa and Lake shall constitute the eleventh assembly district.
- Twelfth. 12. All that portion of the county of Sonoma comprising the following election precincts of nineteen hundred and ten, to wit: Bloomfield, Blucher, Bodega, Cazadero, Cotati, Dry Creek, Duncan's Mills, Forestville, Freestone, Graton, Healdsburg City numbers 1 to 4 inclusive, Healdsburg Road, Lakeville, Magnolia, Marin, Mendocino, Molino, Occidental, Penns-grove, Petaluma numbers 1 to 7 inclusive, East Redwood, West Redwood, Sebastopol numbers 1 and 2, Skagg's Spring, Stewart's Point, Table Mountain, Timber Cove, Valley Ford, and Wilson, shall constitute the twelfth assembly district.
- Thirteenth. 13. All that portion of the county of Sonoma not embraced in the twelfth assembly district shall constitute the thirteenth assembly district.
- Fourteenth. 14. 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, and east of the center of Thirty-first street, and all that portion of said Sacramento county included within the boundaries of "American Township," "Brighton Township," "Center Township," "Granite Township," "Mississippi Township," "Natoma Township," and "Sutter Township," as said townships existed on the first day of January, 1911, shall constitute the fourteenth assembly district.
- Fifteenth. 15. All that portion of the county of Sacramento not included in the fourteenth assembly district shall constitute the fifteenth assembly district.
- Sixteenth. 16. The counties of Amador, El Dorado, Alpine and Calaveras shall constitute the sixteenth assembly district.
- Seventeenth. 17. The county of Marin shall constitute the seventeenth assembly district.
- Eighteenth. 18. The county of Contra Costa shall constitute the eighteenth assembly district.

19. All that portion of the county of San Joaquin not included in the twentieth district shall constitute the nineteenth assembly district. Nineteenth.

20. All that portion of the county of San Joaquin comprising the city of Stockton shall constitute the twentieth assembly district. Twentieth.

21. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the waters of the bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, shall constitute the twenty-first assembly district. Twenty-first.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twentieth street with the center line of Bryant avenue, continuing thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the bay of San Francisco; thence northerly along the shore line of the bay of San Francisco to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the twenty-second assembly district. Twenty-second.

23. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the center line of San Jose avenue; thence along the center lines of the following named streets, to wit: San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning, shall constitute the twenty-third assembly district. Twenty-third.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets, thence along the center line of the following named streets, to wit: Dolores to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo, thence along said boundary line, westerly, to the waters of the Pacific ocean; thence along the shore line of said ocean northerly, to the Sloat boulevard; thence along the center lines of the following named streets, to wit: Sloat boulevard to Twenty-fourth.

Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second street to Dolores, the place of beginning, shall constitute the twenty-fourth assembly district.

Twenty-
fifth.

25. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Eighteenth street and Dolores street, continuing along the center lines of the following named streets, to wit: Dolores to Twenty-ninth, Twenty-ninth to Mission, Mission to Army, Army to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth to Harrison, Harrison to Eighteenth, Eighteenth to Dolores, the point of commencement, shall constitute the twenty-fifth assembly district.

Twenty-
sixth.

26. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister and Fillmore streets, continuing thence along the center line of the following named streets, to wit: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Eighteenth, Eighteenth to Dolores, Dolores to Twenty-second, Twenty-second to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton to Ashbury, Ashbury to Piedmont, Piedmont to Masonic avenue, Masonic avenue to Java street, Java street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Masonic avenue, Masonic avenue to McAllister street, McAllister street to Fillmore street, the place of beginning, shall constitute the twenty-sixth assembly district.

Twenty-
seventh.

27. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Masonic avenue; thence along the center line of the following named streets, to wit: Masonic avenue to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Java street, Java street to Masonic avenue, Masonic avenue to Piedmont street, Piedmont street to Ashbury street, Ashbury street to Clayton street, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to Sloat boulevard, Sloat boulevard to the waters of the Pacific ocean; thence along the shore line of said ocean northerly to Fulton street, Fulton street to Masonic avenue, the place of beginning, shall constitute the twenty-seventh assembly district.

Twenty-
eighth.

28. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Parker avenue, thence along the center line of the following named streets, to wit: Parker avenue to California street, California street to Maple avenue, Maple avenue to the southerly line of the Presidio Reservation; thence westerly along the southerly boundary of the

Presidio Reservation to Lobos creek; thence along the center line of Lobos creek to the waters of the Pacific ocean; thence westerly and southerly along the said shore line to Fulton street, Fulton street to Parker avenue, the point of beginning, together with the islands known as the Farallon Islands, shall constitute the twenty-eighth assembly district.

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister street and Van Ness avenue, thence along the center lines of the following named streets, to wit: Van Ness avenue to Market street, Market street to Eleventh street, Eleventh street to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth street to Harrison street, Harrison street to Eighteenth street, Eighteenth street to Church street, Church street to Duboce avenue, Duboce avenue to Fillmore street, Fillmore street to McAllister street, McAllister street to Van Ness avenue, the place of beginning, shall constitute the twenty-ninth assembly district. Twenty-ninth.

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to McAllister street, McAllister to Masonic avenue, Masonic avenue to Fulton street, Fulton street to Parker avenue, Parker avenue to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the thirtieth assembly district. Thirtieth.

31. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to the bay of San Francisco, thence along the shore line of said bay to the waters of the Pacific ocean; thence along the shore line of said ocean to Lobos creek; thence along the line of said Lobos creek to the southerly boundary line of Presidio Reservation; thence along said boundary line to Maple street, Maple street to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the thirty-first assembly district. Thirty-first.

32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing along the center line of the following named streets, to wit: Van Ness avenue to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Jones street, Jones street to Green street, Green street to Mason street, Mason street to Ellis street, Ellis street to Jones street, Jones street to Market street, Market street to Van Ness avenue, the point of beginning, shall constitute the thirty-second assembly district. Thirty-second.

Thirty-
third.

33. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Market street and Jones street, continuing thence along the center line of the following named streets, to wit: Jones to Ellis, Ellis to Mason, Mason to Green, Green to Jones, Jones to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market street to Jones street, the point of beginning and the islands of the bay of San Francisco within the city and county of San Francisco, shall constitute the thirty-third assembly district.

Thirty-
fourth

34. All of that portion of the county of Alameda lying easterly of a line described as follows: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly following along the center line of East Fourteenth street to the center line of Moss avenue, in the city of Oakland; thence northeasterly along the center line of Moss avenue and a direct extension of said center line to the northeasterly boundary line of the city of Oakland; thence following the said northeasterly boundary line of the city of Oakland in a northwesterly direction to its intersection with the northeasterly boundary line of the county of Alameda, shall constitute the thirty-fourth assembly district.

Thirty-
fifth.

35. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of the county of Alameda; thence in an easterly and northerly direction along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence in an easterly direction along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly following the said town line to the center line of East Fourteenth street; thence northwesterly following the center line of East Fourteenth street and an extension of the same to its intersection with the line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda township; thence westerly following along the said northerly boundary line of Alameda township to its intersection with the westerly boundary line of Alameda county; thence southeasterly along said county boundary line to the point of beginning, shall constitute the thirty-fifth assembly district.

Thirty-
sixth.

36. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of

Thirteenth avenue is intersected by the center line of East Fourteenth street, in the city of Oakland; thence northwesterly along the center line of East Fourteenth street and an extension of said center line to a point where the same intersects the westerly boundary line of Brooklyn township, in Lake Merritt; thence northeasterly following along the boundary line between Brooklyn and Oakland townships to the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly following the said boundary line of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Oakland; thence southeasterly following said city boundary line to a point where the same would be intersected by a direct extension northeasterly of the center line of Moss avenue; thence southwestwardly along said extension and along the center line of Moss avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center line of Thirteenth avenue and the point of beginning, shall constitute the thirty-sixth assembly district.

37. All of that portion of the county of Alameda, described as follows, to wit: Beginning at a point where the center line of Broadway is intersected by the center line of Thirteenth street, in the city of Oakland; thence southeasterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence northeasterly following along the line dividing Brooklyn and Oakland townships to a point in the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly, following the southern, eastern and northern boundary line of the city of Piedmont to its intersection with the eastern boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence northwesterly along the easterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the center line of Broadway; thence southerly along the center line of Broadway to the center line of Fifty-first, or Vernon street; thence westerly following along the center line of Fifty-first street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Temescal creek; thence westerly down the center of Temescal creek to the center of Grove street; thence southerly along the center of Grove street to the center of San Pablo avenue; thence southerly along the center of San Pablo avenue to the center of Broadway; thence southerly along the center of Broadway to the center of Thirteenth street, and point of beginning, shall constitute the thirty-seventh assembly district.

38. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-

second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence southerly along the center line of Grove street to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the center line of Thirteenth street; thence easterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence southerly along the line dividing Oakland and Brooklyn townships to the line dividing Oakland and Alameda townships; thence westerly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the point of beginning, shall constitute the thirty-eighth assembly district.

Thirty-ninth.

39. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence northerly along the center line of Grove street to the center of Temescal creek; thence westerly down the center of Temescal creek to the town of Emeryville; thence westerly and northerly following the boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley; thence westerly along the southerly boundary line of the city of Berkeley and a direct extension of same to its intersection with the westerly boundary line of Alameda county; thence southerly along the westerly boundary line of Alameda county to its intersection with the line dividing Oakland and Alameda townships; thence easterly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the center line of Twenty-second street and the point of beginning, shall constitute the thirty-ninth assembly district.

Fortieth.

40. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the easterly boundary line of the town of Emeryville is intersected by the southerly boundary line of the city of Berkeley; thence southerly and easterly along the boundary line of the town of Emeryville to a corner thereof, the same being in the center of Temescal creek; thence up the center of Temescal creek to the center line of Shattuck avenue; thence northerly along the center line of Shattuck avenue to the center line of Russell street; thence westerly along the center line of Russell street to the center line of Milvia street; thence northerly along the center line of Milvia street to the center line of Codornices

creek; thence westerly down the center line of Codornices creek to the easterly boundary line of the town of Albany; thence northerly along the easterly boundary line of the town of Albany to the northern boundary of the county of Alameda; thence westerly and southerly along the northern and western boundary line of the county of Alameda to a point where said boundary line would be intersected by a direct extension westerly of the southerly boundary line of the city of Berkeley; thence easterly along said extension and along the southerly boundary line of the city of Berkeley to the point of beginning, shall constitute the fortieth assembly district.

41. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Shattuck avenue is intersected by the center line of Fifty-first street or Vernon street, in the city of Oakland; thence easterly along the center line of Fifty-first or Vernon street to the center line of Broadway; thence northeasterly along the center line of Broadway to its intersection with the northeasterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence southeasterly along said boundary line of the city of Oakland as the same existed prior to the annex of 1909 to its intersection with the northerly boundary line of the city of Piedmont; thence easterly following the northerly boundary line of the city of Piedmont to its intersection with the boundary line dividing Brooklyn and Oakland townships; thence northeasterly along the line dividing Brooklyn and Oakland townships to its intersection with the northeasterly boundary line of Alameda county; thence northwesterly and westerly following along the county boundary line to its intersection with the easterly boundary line of the town of Albany; thence southerly along the easterly boundary line of the town of Albany to its intersection with the center of Codornices creek; thence easterly up the center of Codornices creek to its intersection with the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Russell street; thence easterly along the center line of Russell street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Fifty-first or Vernon street and the point of beginning, shall constitute the forty-first assembly district.

42. The county of San Mateo shall constitute the forty-second assembly district.

43. The county of Santa Cruz shall constitute the forty-third assembly district.

44. All that portion of the county of Santa Clara not included in the forty-fifth assembly district shall constitute the forty-fourth assembly district.

45. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in 1910, to wit: Agnew, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct num-

Forty-first.

Forty-second.

Forty-third.

Forty-fourth.

Forty-fifth.

ber one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas (numbers one and two), Mountain View (numbers one and two), Mount Hamilton, Orchard, Palo Alto (numbers one to five, inclusive), Purissima, San Jose (numbers one to twelve, inclusive), Santa Clara (numbers one to four, inclusive), Saratoga, Stanford, Stockton, Sunnyvale (numbers one and two), and University (numbers one and two), shall constitute the forty-fifth assembly district.

Forty-sixth.

46. The county of Stanislaus shall constitute the forty-sixth assembly district.

Forty-seventh.

47. The counties of Mariposa, Tuolumne, Mono and Inyo shall constitute the forty-seventh assembly district.

Forty-eighth.

48. The counties of Monterey and San Benito shall constitute the forty-eighth assembly district.

Forty-ninth.

49. The counties of Merced and Madera shall constitute the forty-ninth assembly district.

Fiftieth.

50. All that portion of the county of Fresno comprising the precincts of Black Mountain, Balfour, Barstow, Bryant, Cantua, Central Colony, Coalinga No. 1, Coalinga No. 2, Coalinga No. 3, Coalinga No. 4, Coalinga No. 5, Crescent, Chicago, Fresno Colony, Fowler, Firebaugh, Houghton, Huron, Iowa, Jameson, Kerman, Kingsburg, Layton, Laguna, Liberty, Lewis Creek, Lucern, Madison, Mendota, Monroe, New Hope, Oleander, Panoche, Pleasant Valley, Terry, Washington Colony, Wildflower, Warthan, and West Park, shall constitute the fiftieth assembly district.

Fifty-first.

51. All that portion of the county of Fresno included in and comprising Fresno City precincts numbered one to twenty-five, both inclusive, and the precincts of Hedges, Belmont, Arlington and East Fresno, shall constitute the fifty-first assembly district.

Fifty-second.

52. All that portion of the county of Fresno not included in the fiftieth and fifty-first assembly districts, shall constitute the fifty-second assembly district.

Fifty-third.

53. The county of San Luis Obispo shall constitute the fifty-third assembly district.

Fifty-fourth.

54. The county of Kings shall constitute the fifty-fourth assembly district.

Fifty-fifth.

55. The county of Tulare shall constitute the fifty-fifth assembly district.

Fifty-sixth.

56. The county of Kern shall constitute the fifty-sixth assembly district.

Fifty-seventh.

57. All that portion of the county of San Bernardino now comprised within the following townships, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda, San Bernardino, Hesperia, Oro Grande, and Barstow, shall constitute the fifty-seventh assembly district.

Fifty-eighth.

58. All that portion of the county of San Bernardino not included within the fifty-seventh assembly district, as fixed and defined in this act, shall constitute the fifty-eighth assembly district.

59. The county of Santa Barbara shall constitute the fifty-ninth assembly district. Fifty-ninth.

60. The county of Ventura shall constitute the sixtieth assembly district. Sixtieth.

61. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: La Liebre, Del Sur, Lancaster, Palmdale, Acton, Newhall, San Fernando, Chatsworth, Calabasas, Lankershim, La Cañada, Sunland, Burbank, Glendale City, Eagle Rock, Annandale, Hermon, that part of Ivanhoe and of Tropico numbers one and two not included within the city of Los Angeles, as the boundaries of said city existed November 1, 1911, and the following described portion of the city of Los Angeles: Beginning at the northeast corner of said city as described in the United States patent; thence following the exterior boundary line of said city as the same existed November 1, 1911, north, northeasterly, easterly, northerly and easterly in a general northeasterly direction to the extreme northeastern corner of said city; thence along the north line of said city west, southwest and southerly following such exterior boundary line of said city to the north patent boundary thereof; thence along the same west to the center line of Alvarado street; thence along the center line of the following named streets, to wit: Alvarado street to Sunset boulevard, Sunset boulevard to Park Terrace, Park Terrace to Look Out Drive, Look Out Drive to Adobe street, Adobe street to Bernardo street, Bernardo street to North Broadway, North Broadway (crossing the official bed of the Los Angeles river) to Daly street, Daly street to Pasadena avenue, Pasadena avenue to Avenue Thirty-five, Avenue Thirty-five to Griffin avenue, Griffin avenue and its extension to the north patent boundary line of said city; thence east along said line to the place of beginning, shall constitute the sixty-first assembly district. Sixty-first.

62. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Redondo Beach City numbers one and two, Hermosa Beach City, Wiseburn, Inglewood City, Freeman, Del Rey, Ocean Park City numbers one, two and three, Moneta, Howard, Ballona, Cienega, Santa Monica City numbers one, two, three, four, five, six, seven, eight and nine, Malibu, National Military Home numbers one, two, three, four, five and six, Sawtelle City numbers one, two and three, and Sherman, shall constitute the sixty-second assembly district. Sixty-second.

63. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of Washington and Hoover streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Benton boulevard, Benton boulevard to Sixth street, Sixth street to Sixty-third.

Hoover street, Hoover street to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Sunset boulevard. Sunset boulevard to Alvarado street, Alvarado street to the north patent boundary of said city; thence along the same east to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911; thence north-westerly, westerly and southerly, following the exterior lines of those portions of Tropico precincts numbers one and two, and of Ivanhoe precinct, so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the center line of Washington street; thence east along said center line to the point of beginning, shall constitute the sixty-third assembly district.

Sixty-fourth.

64. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Hill and Seventh streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Hoover street, Hoover street to Sixth street, Sixth street to Benton boulevard, Benton boulevard to Hoover street, Hoover street to Seventh street, Seventh street to Hill street, the point of beginning, shall constitute the sixty-fourth assembly district.

Sixty-fifth.

65. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of North Broadway and Daly street, in the city of Los Angeles; thence along the center lines of the following named streets, to wit: North Broadway (crossing the official bed of the Los Angeles river) to Bernardo street, Bernardo street to Adobe street, Adobe street to College street, College street to Cleveland street, Cleveland street to Alpine street, Alpine street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Fifth street, Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and its easterly extension to the intersection with the center line of Gless street, Gless street to Fifth street, Fifth street to Pecan street, Pecan street to First street, First street to Pleasant avenue, Pleasant avenue to Brooklyn avenue, Brooklyn avenue to Macy street, Macy street to Gallardo street, Gallardo street to Mission road, Mission road to Daly street, Daly street to

North Broadway, the point of beginning, shall constitute the sixty-fifth assembly district.

66. All that portion of the county of Los Angeles bounded as follows: Commencing at the northeastern corner of the city of Los Angeles, as the same is described in the United States patent: thence westerly along the northern patent boundary line of said city to the center line of Griffin avenue, or the northerly prolongation thereof; thence along the northerly prolongation of said center line and along the center line of the following named streets, to wit: Griffin avenue to Avenue 35, Avenue 35 to Pasadena avenue, Pasadena avenue to Daly street, Daly street to Mission Road, Mission Road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue. Brooklyn avenue to Pleasant avenue, Pleasant avenue to First street, First street to Pecan street, Pecan street to Fifth street, Fifth street to Gless street, Gless street to Sixth street, Sixth street and its extension westerly, along the line of assembly district number sixty-five, as constituted and designated by this section, to the center line of the official bed of the Los Angeles river; thence southerly along said center line and its southerly prolongation to the south boundary of said city; thence east along said boundary line to the southeastern corner of said city; thence north along the east line of said city to the point of beginning, shall constitute the sixty-sixth assembly district.

67. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Pasadena City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three, and Altadena, shall constitute the sixty-seventh assembly district.

68. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Claremont City, La Verne, Lordsburg City, San Dimas, Pomona City numbers one, two, three, four, five and six, Spadra, Azusa, Azusa City, Glendora, Covina, Covina City, Rowland, Rivera, Los Nietos, Whittier City numbers one, two, three, and four, and all of El Monte precinct except that portion thereof lying north of the westerly prolongation of the south line of Santa Anita precinct and except that portion thereof lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the sixty-eighth assembly district.

69. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Monrovia City numbers one, two and three, Duarte, Arcadia City numbers one and two, Sierra Madre City, Lamanda numbers one and two, Santa Anita, San Gabriel, Alhambra City numbers one, two and three, South Pasadena City numbers one,

two and three, Baird, Belvidere numbers one and two, Montebello, Laguna, Fruitland, Vernon City, Huntington Park City numbers one and two, that part of the precincts of Miramonte and Florence lying east of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and that part of the precinct of El Monte lying north of the westerly prolongation of the southerly line of Santa Anita precinct and also that part of said precinct of El Monte lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the sixty-ninth assembly district.

Seventy-fifth.

70. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Long Beach City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, Naples, Alamitos, Cerritos, Artesia, Norwalk, La Mirada, East Whittier, Downey numbers one and two, Clearwater, Willowbrook, Dominguez, Watts City, Compton City, and that part of Wilmington precinct which was annexed to the city of Long Beach prior to November 1, 1911, shall constitute the seventieth assembly district.

Seventy-first.

71. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Catalina, Lomita, Green Meadows, Gardena numbers one and two, all of Wilmington precinct, except the part which was prior to November 1, 1911, annexed to the city of Long Beach, that part of the precincts of Miramonte and Florence lying west of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and Los Angeles City precincts numbers one hundred ninety-two, one hundred ninety-three, one hundred ninety-four, one hundred ninety-seven, one hundred ninety-eight, one hundred ninety-nine, two hundred, two hundred four, two hundred five, two hundred six, two hundred seven, two hundred eight, two hundred eleven, two hundred thirteen, two hundred eighteen, two hundred nineteen, two hundred twenty-three, two hundred twenty-four, two hundred twenty-five, two hundred twenty-six, two hundred twenty-seven, two hundred twenty-eight, two hundred twenty-nine and two hundred thirty, shall constitute the seventy-first assembly district.

Seventy-second.

72. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City numbers one hundred sixty-eight, one hundred sixty-nine, one hundred seventy, one hundred seventy-one, one hundred seventy-two, one hundred seventy-three, one hundred seventy-four, one hundred seventy-five, one hundred seventy-six, one hundred seventy-eight, one hundred seventy-nine, one hundred eighty, one hundred eighty-one, one hundred eighty-two, one hundred eighty-three, one hundred eighty-four,

one hundred eighty-five, one hundred eighty-six, one hundred eighty-seven, one hundred eighty-eight, one hundred eighty-nine, one hundred ninety, one hundred ninety-one, that part of Los Angeles City precinct number one hundred fifty-seven lying south of the center line of Jefferson street, and all of Los Angeles City precinct number one hundred seventy-seven, except that portion thereof bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the seventy-second assembly district.

73. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Main and Washington street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Main street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue, or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles, thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Central avenue, Central avenue to Washington street, Washington street to Main street, the point of beginning, shall constitute the seventy-third assembly district.

Seventy-third.

74. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Fifth and Hill streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and the extension thereof along the line of assembly district number sixty-five, as designated and constituted by this section, to the center line of the official bed of the Los Angeles river; thence southerly along the last mentioned line and the prolongation thereof to the south boundary line of the city of Los Angeles; thence westerly along said boundary line to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Central avenue, Central avenue to Washington street, Washington street to Hill street, Hill street to Fifth street, the point of beginning, shall constitute the seventy-fourth assembly district.

Seventy-fourth.

75. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Seventh and Hill streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover

Seventy-fifth.

street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Main street, Main street to Washington street, Washington street to Hill street, Hill street to Seventh street, the point of beginning, shall constitute the seventy-fifth assembly district.

Seventy-sixth. 76. The county of Orange shall constitute the seventy-sixth assembly district.

Seventy-seventh. 77. The county of Riverside shall constitute the seventy-seventh assembly district.

Seventy-eighth. 78. The county of Imperial 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 assembly district shall constitute the eightieth assembly district.

Unincorporated precincts attached to adjacent districts. SEC. 3. Any precinct, or portion of any precinct, not specifically described herein as constituting a portion of either a senatorial or assembly district, shall be attached to and constitute a part of the senatorial or assembly district adjacent thereto and situated within the same county or city and county, having, as shown by the last federal census a less population than any other such district adjacent thereto.

Repeal of former acts. SEC. 4. An act entitled "An act to divide the state into legislative districts as required by section six, article four of the constitution, and to provide for the election of assemblymen and senators in such districts," approved March 11, 1891, and also an act entitled "An act to divide the state into legislative districts and to provide for the election of senators and assemblymen therein," approved March 21, 1901, and all other acts in conflict with this act are hereby repealed.

CHAPTER 38.

An act to amend section one hundred seventeen of the Political Code, relating to the division of the state into congressional districts and defining and establishing such districts.

[Approved January 2, 1912.]

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

SECTION 1: Section one hundred seventeen of the Political Code is hereby amended to read as follows:

117. The state is divided into eleven congressional districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Humboldt, Mendocino, Glenn, Butte, Yuba, Sutter, Marin, Colusa, Lake and Sonoma shall constitute the first congressional district.

2. The counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne and Mariposa shall constitute the second congressional district. Second.

3. The counties of Napa, Yolo, Sacramento, Solano, Contra Costa and San Joaquin shall constitute the third congressional district. Third.

4. All that portion of the city and county of San Francisco comprising the twenty-eighth, thirty-first, thirtieth, thirty-second, thirty-third and twenty-first assembly districts, as such districts are constituted by section ninety of this code, as amended at the extraordinary session of the legislature commencing November 27, 1911, 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 shall constitute the fifth congressional district. Fifth.

6. The county of Alameda shall constitute the sixth congressional district. Sixth.

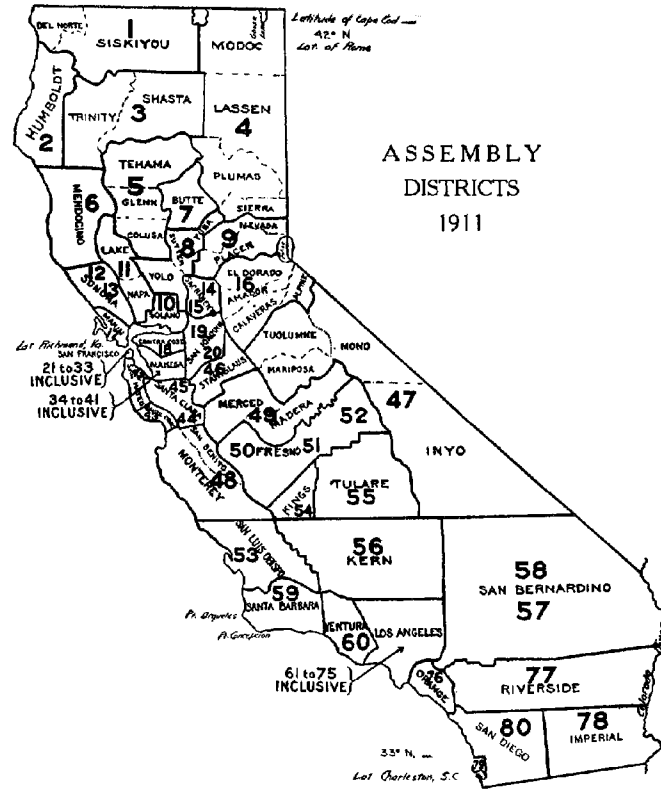
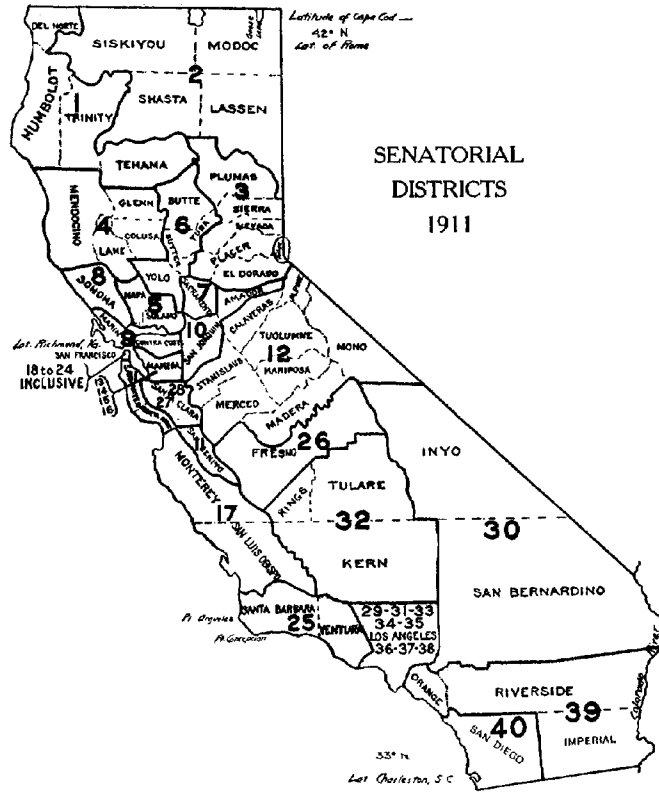
7. The counties of Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern shall constitute the seventh congressional district. Seventh.

8. The counties of San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara and Ventura shall constitute the eighth congressional district. Eighth.

9. All that portion of the county of Los Angeles comprising the sixty-first, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth assembly districts, as such districts are constituted by section ninety of this code, as amended at the extraordinary session of the legislature commencing November 27, 1911, shall constitute the ninth congressional district. Ninth.

10. All that portion of the county of Los Angeles not included in the ninth congressional district shall constitute the tenth congressional district. Tenth.

11. The counties of San Bernardino, Orange, Riverside, San Diego, Mono, Inyo and Imperial shall constitute the eleventh congressional district. Eleventh.



CHAPTER 39.

An act imposing additional duties and conferring additional powers upon the industrial accident board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an act entitled "An act relating to the liability of employers for injuries or death sustained by their employes, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

[Approved January 2, 1912.]

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

Collection of statistics in regard to industrial accidents.

SECTION 1. It shall be the duty of the industrial accident board to collect and compile statistics in regard to industrial accidents happening in this state resulting in personal injury and the cost and probable causes thereof, to investigate methods and devices for the prevention of such accidents, to investigate the comparative merits and relative cost of the various forms of insurance against liability and compensation for personal injuries resulting from industrial accidents.

Duty of employers and insurance companies to furnish information.

SEC. 2. It shall be the duty of every employer of labor and of persons, firms, associations or corporations insuring against liability of employers for damages or compensation for personal injuries to employees by industrial accidents to furnish to the industrial accident board, upon the written request of a member thereof or an examiner appointed thereby, any and all information in his or its possession or under his or its control, pertinent to any of the matters referred to in the preceding section of this act. It shall be unlawful for the said board, or any member thereof, or any examiner appointed thereby, to divulge any information obtained from any employer of labor, or from any person, firm, association or corporation insuring against liability or compensation for industrial accidents, without the written consent of such employer, and of such person, firm, association or corporation; and any member of the said board, or any examiner appointed thereby who violates the provisions of this section of this act, shall be guilty of a misdemeanor, and for each and every such violation shall be, upon conviction thereof, punishable by a fine of not less than ten dollars (\$10) or more than one hundred dollars (\$100) or by im-

Industrial accident board not to divulge information without consent.

prisonment for not more than thirty (30) days, or by both such fine and imprisonment; and any information so obtained shall not be used against any such employer, person, firm, association or corporation, in any action brought against such employer, person, firm, association or corporation without the written consent of such employer, person, firm, association or corporation; *provided, however*, that this section shall not prevent the industrial accident board from making and publishing the results of its investigations and researches as provided in sections 5 and 6 of this act.

SEC. 3. Any member of the said board or examiner appointed thereby may, during reasonable business hours, enter any place of employment for the purpose of collecting facts and statistics and examining the provisions made for the safety and welfare of the employees therein.

Authority
to enter
places of
employment.

SEC. 4. It shall be unlawful for any person, firm, corporation, agent or officer of a firm or corporation to fail, neglect or refuse to comply with any of the foregoing provisions of this act. Any person, firm, corporation, agent or officer of a firm or corporation that knowingly violates or omits to comply with any of the provisions of this act, shall be guilty of a misdemeanor for each and every offense and shall be, upon conviction thereof, punishable by a fine of not more than ten dollars.

Penalty
for failure
to comply
with act.

SEC. 5. The industrial accident board shall report the results of its investigations covering the calendar year of 1912 to the governor of the state not later than February 1, 1913.

Report
for year
1912.

SEC. 6. The industrial accident board is authorized and empowered to make public and publish at such times and in such manner as it deems best, the results of its investigations and researches together with all such other information in relation to the liability of employers for damages or compensation for personal injuries to their employees as it may deem essential to fully acquaint the people of the state with the present law and its purpose and operation.

Authority
to publish
statistics.

SEC. 7. The industrial accident board is hereby authorized to draw upon and expend for the purposes set forth in this act a sum not in excess of fifteen thousand dollars the same to be paid out of the sum of fifty thousand dollars appropriated for the use of said board under section 29 of an act entitled "An act relating to the liability of employers for injuries or death sustained by their employees, establishing an industrial accident board, making appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911," and the controller is hereby directed to draw his warrants in favor of said board for sums so expended when duly audited and approved by the state board of control, and the treasurer is hereby authorized and directed to pay the same.

Funds
for use of
board.

CHAPTER 40.

An act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this state the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers.

[Approved January 2, 1912.]

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

Municipal
power of
control over
public
utilities.

SECTION 1. Any city and county, or incorporated city or town, may retain its powers of control vested therein respecting any one or more classes of public utilities and may thereafter surrender such powers to the railroad commission of the State of California, hereinafter called the railroad commission, or may reinvest itself with such powers as it may have surrendered to the railroad commission, all as in this act provided.

Definitions.

SEC. 2. The term "municipal corporation," as used in this act, shall be construed to mean a city and county, or an incorporated city or town. The term "legislative body," as used in this act, shall be construed to mean the board of supervisors, municipal council, commission or other legislative or governing body of a municipal corporation.

Terms
defined by
public
utilities
act.

SEC. 3. The terms "railroad corporation," "street railroad corporation," "common carrier," "gas corporation," "electrical corporation," "water corporation," "telephone corporation," "telegraph corporation," "wharfinger," "warehouseman" and "public utility," as used in this act, shall severally have the same meaning as is given to them, respectively, in section 2 of the act known as the "Public Utilities Act."

Submission
to electors
of question
to retain
control.

SEC. 4. The question whether any municipal corporation shall retain its powers of control respecting one or more classes of public utilities may be submitted to the qualified electors of such municipal corporation, as provided in this act, either at a general municipal election or at a special election held therein. Such question may be so submitted, either in pursuance of an ordinance of intention adopted by a vote of three fifths of all the members of the legislative body of such municipal corporation, declaring that the public interest requires the submission of, and that it is the intention of such legislative body to submit, such question to a vote of the qualified electors of such municipal corporation, or in pursuance

Ordinance
of inten-
tion.

of a petition of qualified electors of such municipal corporation, as hereinafter provided. Such ordinance of intention or such petition, as the case may be, shall contain the propositions proposed to be so submitted, as set forth in section 6 of this act. Such petition shall be signed by qualified electors of such municipal corporation, equal in number to ten per centum of such qualified electors, computed upon the total number of votes cast in such municipal corporation for all candidates for governor at the last preceding general election prior to the filing of such petition at which a governor was elected. Such petition may consist of separate papers; *provided*, that if any paper consists of more than one sheet, it shall be securely fastened together at the top. The signatures need not all be appended to one sheet or paper. Each such paper shall have attached thereto, at the bottom of the last sheet thereof, the affidavit of a qualified elector of such municipal corporation, stating that all of the signatures on each sheet thereof were made in his presence, and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name purports to be thereto subscribed. Such petition shall be filed with the clerk of the legislative body of such municipal corporation. Within ten days from the date of the filing of such petition, said clerk shall examine the petition and ascertain from the record of the registration of the electors of the city and county, or of the county in which such municipal corporation is situated, whether the petition is signed by the requisite number of the qualified electors of such municipal corporation; and if requested by said clerk, the said legislative body of said municipal corporation shall authorize him to employ persons specially to assist him in the work of examining such petition and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result of such examination. If from such examination, said clerk shall find that said petition is signed by the requisite number of qualified electors, he shall certify that the same is sufficient; but if, from such examination, he shall find that said petition is not signed by such requisite number of qualified electors, he shall certify to the number of qualified electors signing such petition and to the number of qualified electors required to make such petition sufficient. If by the certificate of said clerk the petition is shown to be insufficient, it may be amended by filing a supplemental petition within ten days from the date of such certificate. Said clerk shall, within ten days from the filing of such supplemental petition, make like examination of the same and certify to the result of such examination as hereinbefore provided. If the certificate of the clerk shall show any such petition, or any such petition together with a supplemental petition, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the

Petition for submission of question to retain control.

Examination of petition.

Supplemental petition.

certificate of the clerk, such petition, or such petition together with a supplemental petition, is shown to be sufficient, the clerk shall forthwith present the same to the legislative body of such municipal corporation. The sufficiency or insufficiency of such petition shall not be subject to review by such legislative body. After the election held in pursuance of such petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned. In any city and county having a board of election commissioners and a registrar of voters, the clerk of the legislative body thereof shall immediately upon the filing of any petition with him, transmit the same to such board of election commissioners, who shall forthwith deliver such petition to said registrar of voters, who shall perform all the duties herein required to be performed in other municipal corporations by the clerk of the legislative body thereof, respecting the examination and certification of such petition. Such registrar of voters shall, upon making his certificate, forthwith return said petition to said clerk, who shall thereupon present such petition and the certificate thereto attached to the legislative body of such municipal corporation as hereinbefore in this section provided.

Duty of registrar of voters.

Election for submission of question to retain control.

SEC. 5. Upon the adoption of such ordinance of intention, or the presentation as aforesaid of such petition, as provided in section 4 of this act, the legislative body of such municipal corporation shall, by ordinance, order the holding of a special election for the purpose of submitting to the qualified electors of such municipal corporation the propositions set forth in such ordinance of intention or in such petition, as the case may be, which propositions shall be those set forth in section 6 of this act, or such legislative body shall, by ordinance, order the submission of such propositions at a general municipal election, as hereinafter provided. Such special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance of intention provided for in section 4 of this act, or the presentation of such petition to said legislative body; *provided*, that if a general municipal election shall occur in said municipal corporation not less than twenty days nor more than sixty days after the adoption of said ordinance of intention or the presentation of said petition to said legislative body, said propositions may be submitted at such general municipal election, in the same manner as other propositions are required by law to be submitted at general municipal elections in such municipal corporation. Every special election held in any municipal corporation under the provisions of this act, shall be called by the legislative body thereof, by ordinance, which shall specify the propositions to be submitted at such election and the date thereof, and, where provision is not otherwise made by law, shall establish the election precincts therefor and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times

Question may be submitted at general election.

in a daily newspaper printed and published in such municipal corporation, or twice in a weekly newspaper printed and published therein, if there be no such daily newspaper; *provided*, that if no such daily or weekly newspaper be printed and published in such municipal corporation, the clerk of said legislative body shall post a copy of said ordinance in three public places in such municipal corporation at least ten days prior to such election. The propositions submitted under this section at any general municipal election or at any special election shall be the same as those set forth in section 6 of this act.

SEC. 6. The ballots to be used at any general municipal election or at any special election, at which is submitted the question whether a municipal corporation shall retain its powers of control respecting public utilities shall have printed thereon, in addition to the other matters required by law, the following propositions:

Propositions upon which vote shall be taken.

"*Proposition No. 1.* Shall (name of municipal corporation) retain its powers of control over railroad corporations?"

"*Proposition No. 2.* Shall (name of municipal corporation) retain its powers of control over street railroad corporations?"

"*Proposition No. 3.* Shall (name of municipal corporation) retain its powers of control over common carriers other than railroad and street railroad corporations?"

"*Proposition No. 4.* Shall (name of municipal corporation) retain its powers of control over gas corporations?"

"*Proposition No. 5.* Shall (name of municipal corporation) retain its powers of control over electrical corporations?"

"*Proposition No. 6.* Shall (name of municipal corporation) retain its powers of control over telephone corporations?"

"*Proposition No. 7.* Shall (name of municipal corporation) retain its powers of control over telegraph corporations?"

"*Proposition No. 8.* Shall (name of municipal corporation) retain its powers of control over water corporations?"

"*Proposition No. 9.* Shall (name of municipal corporation) retain its powers of control over wharfingers?"

"*Proposition No. 10.* Shall (name of municipal corporation) retain its powers of control over warehousemen?"

Opposite each such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any voter desiring to vote in favor of the retention of the powers of control of such municipal corporation respecting any particular class of public

Manner of voting.

utility, shall stamp a cross (X) in the voting square after the printed word "Yes" opposite the proposition as to such class, and any voter desiring to vote against the retention of such powers of such municipal corporation respecting any particular class of public utility, shall stamp a cross (X) in the voting square after the printed word "No" opposite such proposition.

Canvass
of returns.

SEC. 7. If the propositions specified in section 6 of this act shall have been submitted at a special election in any municipal corporation, then the legislative body or other body or board charged with the duty of canvassing the returns and declaring the result of elections in such municipal corporation, shall meet at their usual place of meeting on the first Monday after such election to canvass the returns and declare the result thereof. Immediately upon the completion of such canvass, or upon the completion of the canvass of the returns of any general municipal election at which such propositions shall have been submitted, such legislative body or other body or board charged with said duty shall make an order declaring the result of the election upon such propositions and shall cause the same to be entered upon its minutes, which order shall show the total number of votes cast upon each such proposition, and the number of votes cast respectively in favor of and against each such proposition. If it shall appear from the result of such election, as so declared, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted, as provided in section 5 of this act, shall have voted to retain the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have elected to retain such powers of control respecting such class of public utility, and such powers shall be exercised by such municipal corporation until the same may be surrendered as hereinafter provided; and if it shall appear from the result of such election, as so declared, that a majority of such qualified electors so voting on any such proposition shall have voted not to retain such powers respecting any class of public utility, such municipal corporation shall be deemed to have elected not to retain such powers of control respecting such class of public utility, and such power of control shall thereafter vest in and be exercised by the railroad commission as provided by law. Immediately upon the entry of the order declaring the result of the election as to such proposition, the clerk of the legislative body or the registrar of voters in any municipal corporation having a board of election commissioners and a registrar of voters, shall make copies, in duplicate, of such order, and shall attach to each such copy his certificate under the seal, if any, of such municipal corporation, or of such board of election commissioners, certifying that the same is a true and correct copy of such order. Said clerk or registrar of voters, as the case may be, shall forthwith file one of

Result of
election
for submis-
sion of
question
to retain
control.

said copies in the office of the railroad commission of the State of California and the other in the office of the secretary of state. Immediately upon the filing of such certified copy of such order in the office of the railroad commission, the powers of control theretofore vested in such municipal corporation over any class or classes of public utilities which a majority of the qualified electors of such municipal corporation voting thereof shall have voted not to retain, as shown by such order shall thereupon vest in and be exercised by the railroad commission, until such municipal corporation shall reinvest itself with such powers of control as hereinafter provided.

SEC. 8. Any municipal corporation which shall have voted to retain the powers of control vested therein respecting any class or classes of public utilities, or which may have reinvested itself with such power, as hereinafter provided, may thereafter surrender its powers of control as to such class or classes of public utilities at a general municipal election or a special election therein, called for that purpose. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions as to each of the classes of public utilities as to which such municipal corporation may theretofore have voted to retain its powers of control or with which it may have reinvested itself. As to each of such classes of public utilities, and in addition to the other matters required by law to be printed thereon, a proposition shall be printed on the ballot to be used at such election in substantially the following form: "Shall (name of municipal corporation) surrender its powers of control over (here insert class of public utility) to the railroad commission?" Opposite each such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to surrender the powers of control of such municipal corporation over any class of public utility specified on the ballot, shall stamp a cross (X) in the voting square opposite the printed word "Yes," after the proposition as to such class; and any elector desiring to vote not to surrender the powers of control of such municipal corporation over such class of public utility, shall stamp a cross (X) in the voting square opposite the printed word "No" after the proposition as to such class. The provisions of sections 4, 5 and 7 of this act, in so far as applicable, shall govern elections called, conducted and held under the provisions of this section and to general municipal elections at which such propositions shall be submitted. If it shall appear from the result of such election declared as provided in section 7 of this act, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted as provided in this section, shall have voted to surrender the powers of control of such municipal corporation

Election to
surrender
powers of
control.

Contents
of ballots.

Manner
of voting.

Result of
election to
surrender
powers of
control.

respecting any particular class of public utility, such municipal corporation shall be deemed to have surrendered its powers of control as to such class of public utility to the railroad commission, and such powers shall thereafter vest in and be exercised by the railroad commission, as provided by law, upon the filing, in the office of the railroad commission, of a certified copy of the order declaring the result of such election until such municipal corporation shall reinvest itself with such powers as hereinafter provided; and if it shall appear from the result of such election, as declared, that a majority of such qualified electors voting on any such proposition shall have voted not to surrender such powers of control respecting any particular class of public utility, such powers of control shall continue in such municipal corporation; *provided, however*, that such powers of control may thereafter be surrendered by such municipal corporation at any subsequent election at which the question of such surrender may again be submitted under the provisions of this act.

Election to
reinvest
with powers
of control.

Contents
of ballots.

SEC. 9. Any municipal corporation that shall have surrendered to the railroad commission powers of control respecting any class of public utility may thereafter reinvest itself with such powers by a vote of the qualified electors thereof taken at a general municipal election or at a special election. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions as to each class of public utility designated in the petition for such election or in the ordinance of intention. As to each such class of public utility, a proposition shall be printed on the ballot in substantially the following form: "Shall (name of municipal corporation) reinvest itself with powers of control over (class of public utility)?" Opposite each such proposition to be voted upon and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to reinvest such municipal corporation with powers of control respecting any class of public utility designated on the ballot shall stamp a cross (X) in the voting square after the printed word "Yes" opposite the proposition as to such class, and any elector desiring to vote not to reinvest such municipal corporation with powers respecting such class of public utility shall stamp a cross (X) in the voting square after the printed word "No" opposite such proposition. The provisions of sections 4, 5 and 7 of this act, in so far as applicable, shall apply to elections called, conducted and held under the provisions of this section and to general municipal elections at which such propositions shall be submitted. If it shall appear from the result of such election, declared as provided in said section 7, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted as provided in this section shall have voted to reinvest such municipal corporation with powers of control respecting any particular class of public utility, such municipal corporation shall be

Result of
election to
reinvest
with powers
of control.

deemed to have reinvested itself with such powers, and upon the filing in the office of the railroad commission of a certified copy of the order declaring the result of such election, the powers of control with which such municipal corporation shall have voted to reinvest itself, as shown by such order, shall cease to be exercised by the railroad commission, and shall vest in and be exercised by such municipal corporation; and if it shall appear from the result of such election, as declared, that a majority of the qualified electors of such municipal corporation voting on any such proposition, as provided in this section, shall have voted not to reinvest such municipal corporation with powers of control respecting any particular class of public utility, such powers of control shall continue in and be exercised by the railroad commission; *provided*, that such municipal corporation may thereafter reinvest itself with such powers of control at any subsequent election at which such question may be again so submitted under the provisions of this act.

SEC. 10. The holding of a special election or elections, or the submission of propositions at any general municipal election, under any of the provisions of this act, shall not be construed to preclude the holding of a subsequent special election or elections or the subsequent submission of propositions at a general municipal election or elections, on the question of the retention, surrender or reinvestment by a municipal corporation of its powers of control respecting any class or classes of public utilities, as in this act provided; *provided*, that not more than one such special election shall be held within any period of twelve months.

Limitation
on holding
of special
elections.

SEC. 11. Except as otherwise in this act provided, the holding and conducting of elections under the provisions of this act, the form of the ballots used, the opening and closing of the polls, the canvass of the returns and the declaring of the result shall conform, as nearly as may be, to such laws as shall now or hereafter be applicable to special municipal elections held in the municipal corporation affected.

Conduct of
elections.

CHAPTER 41.

An act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than forty years; limiting the

right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the state the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the state the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity, or electrical or other power, otherwise than provided in this act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this act; repealing an act entitled "An act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the state the right to regulate and fix

the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the state the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this act: repealing all acts and parts of acts in conflict with this act," approved April 8, 1911, and all acts and parts of acts in conflict with this act.

[Approved January 2, 1912.]

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

SECTION 1. Water or the use of water for the generation of electricity or of electrical or other power shall not be appropriated for a longer period than forty years. Period of appropriation.

SEC. 2. Subject to vested and existing rights, in so far as such vested and existing rights are based upon actual needs and application to useful or beneficial purposes, the appropriation of water or of the use of water for the generation of electricity or of electrical or other power shall be made as provided by this act, and not otherwise; *provided, however*, that nothing in this act shall be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this state. General application of act.

SEC. 3. Water or the use of water appropriated for purposes other than the generation of electricity or of electrical or other power shall not be used for the generation of electricity or of electrical or other power except under a separate and distinct appropriation made as provided in this act for such purpose. Restrictions on use of appropriated water.

SEC. 4. All water or the use of water which has been heretofore appropriated and which has not been put, or which has ceased to be put to some useful or beneficial purpose, or which Declaration of what is unappropriated water.

is not now in process of being put to some useful or beneficial purpose with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or such use of water, is hereby declared to be unappropriated.

Right of
state to fix
rates.

SEC. 5. All appropriations of water or the use of water for generating electricity or electrical or other power shall be subject to the right of the state to regulate and fix the rates of compensation for which such electricity or electrical or other power may be sold, rented or distributed.

Application
for permit
to make
appropriation
of water.

SEC. 6. Any person, firm, association or corporation hereafter intending to appropriate water or the use of water for the generation of electricity, or of electrical or other power, before commencing the construction or enlargement or extension of any building, power house, ditch, canal or any distributing or controlling works, or performing any work in connection with said appropriation or proposed appropriation, shall make an application in duplicate to the state water commission, provided for in this act, for a permit to make such appropriation. No person, firm, association or corporation shall wilfully divert or use water or shall wilfully attempt to divert or use water for generating electricity or electrical or other power without first complying with the provisions of this act. The possession or use of water for generating electricity or electrical or other power, except when a right to said water or the use thereof shall have been acquired in accordance with law, shall be prima facie evidence of such wilful diversion or use or attempted diversion or use of such water.

Contents of
application
for permit
to make
appropriation
of water.

SEC. 7. Every application for a permit to appropriate water or the use of water for the generation of electricity or of electrical or other power shall set forth the residence, or principal place of business if the applicant be a corporation, and post office address of the applicant, the source of the water or the use of water to be appropriated or used, the nature and amount of the proposed use, the head of and amount of water to be utilized, the uses to which the water and electricity or electrical or other power are to be applied, the nature, the location (which may be changed by permission of the state water commission), the character, the estimated capacity, and the estimated cost of the works, and whether the water is to be and will be returned to the stream or source from which it is to be taken, and if so at what point on the stream or source it is proposed to return said water to said stream or source. If the application is for the construction of a reservoir for the purpose of storing water to be used for the generation of electricity or of electrical or other power, it shall give the estimated height of the dam and the estimated capacity of the reservoir in addition to the other requirements above set forth. All applications shall be accompanied by such maps and drawings in duplicate and such other data in duplicate as may be prescribed by the water commission, and such accompanying data shall be considered as a part of the

application. A true copy of such application without such accompanying data and maps and drawings shall be recorded by the applicant in the office of the recorder of the county, or city and county, in which the proposed works are to be erected, within ten days after said application is filed with said commission.

SEC. 8. Upon receipt of an application under this act, it shall be the duty of the water commission immediately to cause to be made an endorsement thereon of the date of its receipt, and to keep the duplicate of said application and its endorsement on file as a record of the same. The water commission shall immediately examine the said application after it has been filed. If, upon such examination, the application is found to be defective, one copy of it and its accompanying data, maps and drawings shall be returned to the applicant for correction or completion, and the date of and reasons for the return thereof shall be endorsed thereon, and a record kept of such endorsement in the office of the water commission. No application shall lose its priority of filing on account of such defect; *provided*, a proper application is filed in the office of the water commission within thirty days of the date of said return to the applicant. It shall be the duty of the water commission within six months to enter an order directing the rejection of such application if after further hearing the public interests shall seem to the water commission so to demand. Applications may be approved for a less amount of water or the use of water than that applied for, if there exist substantial reasons therefor, but in any event shall not be approved for more water or the use of water than can be applied to the use for which application is made under an efficient and economical use thereof.

SEC. 9. The approval or rejection of an application shall be endorsed thereon and a record made of such endorsement in the office of the water commission. One copy of the application so endorsed shall be returned immediately to the applicant in person or by registered mail. If said application be approved, the applicant shall immediately record said approved application, together with the endorsement thereon, in the office of the recorder of the county, or city and county, in which the proposed works are to be constructed, and shall be authorized on receipt of said approval and on recording the same, to proceed with the construction of the necessary works, and to take all steps required to apply the water or the use of the water to the purpose of generating electricity or electrical or other power, as provided in the approved application, and to perfect the proposed appropriation; *provided, however*, that no right in or to such water or the use thereof shall vest in or accrue to the said applicant until the final permit is issued as is hereinafter provided.

SEC. 10. Actual construction work shall begin within six months from the date of the approval of the application, and the construction of the work shall thereafter be prosecuted

Examination
of appli-
cation.

Supple-
mental
application.

Endorse-
ment of
application.

Duties and
rights of
applicant
in case of
approval.

Approval of application may be revoked for failure to do work.

with reasonable diligence in proportion to the magnitude of the undertaking, and if such work is not so commenced and prosecuted, the water commission may revoke its approval of the application; and such work shall be completed within a reasonable time as fixed in the permit not to exceed five years from the date of such approval. Upon application of the proposed appropriator the water commission may for good cause shown extend the time within which such work shall be completed under any permit, but no such extension shall be for a longer period than one year beyond the period fixed in the permit.

Extension of time.

Examination upon completion of works.

SEC. 11. Upon the completion of the works for the diversion and application of water or the use of water under this act, the holder of such permit, or his assigns, shall report such completion to the water commission, and the water commission without delay shall cause to be made a full inspection and examination of the works constructed and a report upon their construction and condition, and whether or not they conform to the terms of the application and permit and are adequate for the purposes intended.

Final permit.

SEC. 12. Upon the receipt of such report, the commission shall, if the law has been fully complied with, and if the work shall have been completed in accordance with the application, issue a license to the applicant or his assigns, allowing him or them to divert and use said water, or so much thereof as may be necessary, for the use proposed, for a certain period of time therein specified, but in no case for more than forty years. Licenses granted upon application made under this act for water or the use of water shall be numbered consecutively as to each stream or other source in the order as to the dates when such applications are filed.

License.

Contents of license.

SEC. 13. Said license shall set forth the name of the licensee, his place of residence, and if a corporation or firm or association the date of its organization and its principal place of business, the stream or source from which the water is to be diverted or used, the quantity of water the licensee is authorized to divert from the stream or source, the point or points on said stream or source at which said water is to be diverted or used, the location of the proposed works, the period of time for which the water may be used, which in no case shall be for more than forty years, by what means, and the purposes for which the licensee is authorized to use the same.

Rights of licensee.

SEC. 14. Any license issued as above provided for water or the use of water appropriated under this act shall vest in the licensee the right to the use of the amount of water mentioned therein for the period of time therein set forth, in the manner and for the purposes therein mentioned and not otherwise; *provided*, that such license shall not impair or affect any rights to water or the use of water which shall have become vested prior to the making of the application above provided for.

SEC. 15. Any appropriator of water or the use of water under the provisions of this act for the purpose of generating electricity or electrical or other power, or the successor or assigns of said appropriator, if a renewal or extension of the license herein provided for is desired, shall, not less than one or more than two years prior to the termination of the license granted as herein provided, notify the water commission that a renewal and extension of such license is desired. The water commission shall thereupon issue to said appropriator a renewal and extension of said license for a fixed period, but in no case for more than a period of forty years from the date of such renewal in compliance with such laws of the state as shall then be in force regulating the renewal, issuing and granting of any license for water or the use of water for generating electricity or electrical or other power.

Renewal
of license.

SEC. 16. No license for the appropriation of water or the use of water as herein provided shall be valid as to any excess of the capacity of the works actually constructed.

Excess
capacity
of works.

SEC. 17. The water commission may, upon application made therefor in the manner provided in this act and upon like procedure, grant to any person, firm, association or corporation a license to divert and store for the purpose of generating electricity or electrical or other power the surplus waters of any stream during floods or high water, or during those portions of the year when such water is not required or being stored for irrigation purposes, and for the purpose of this act all water which is not used during the season of flood or high water is declared to be surplus water.

Use of
surplus
water.

SEC. 18. All appropriation of water or the use of water for generating electricity or electrical or other power heretofore or hereafter made shall be subject to the right of the state to impose the fees and charges herein provided, and shall also be subject to the right of the state to increase or decrease such fees and charges from time to time thereafter.

Right of
state to fix
fees and
charges to
appropriators.

SEC. 19. Every person, firm, association or corporation making application for permission to appropriate water or the use of water under this act shall, at the time of filing the said application, pay to said water commission a fee of ten dollars. Every person, firm, association or corporation at the time of receiving a license to appropriate water or the use of water, as provided in this act, shall pay to said commission a fee of one hundred dollars, and shall also pay to said commission when the said license is issued, and, in addition thereto and annually thereafter, shall pay to said commission a charge for each theoretical horse power of the works estimated as follows: For the first one hundred (100) horse power there shall be no charge; and for all above one hundred (100) horse power ten (10) cents for each horse power. All fees collected shall be accounted for at the following regular meeting of the water commission and paid by said commission into the general fund of the state treasury within thirty days thereafter.

Fee for
application.Fee and
charge for
licensees.Application
of fees
collected.

Water commission, how constituted and term of members.

SEC. 20. For the purpose of carrying out the provisions of this act, a commission, to consist of five persons, is hereby created and established to be known as the state water commission. Three members of said commission shall be appointed by the governor for a term of four years; *provided*, that the members first appointed shall be appointed so that one of them shall go out of office at the end of one year, one at the end of two years, and one at the end of three years. The governor and the state engineer are hereby made *ex officio* members of said commission in addition to the three members appointed by the governor. The appointed members of said commission shall receive as compensation for services rendered by them, as such members, the sum of ten (10) dollars per day for each day's service actually rendered.

Compensation.

General powers and duties.

SEC. 21. The water commission is hereby authorized and empowered to do and perform the acts and things required of it by this act and to adopt rules and regulations necessary to carry out the provisions of this act, and it shall be the duty of the commission to provide for the public hearing upon the merits of all applications filed with the commission and to prescribe the rules of procedure to be observed at such hearings.

Authority to administer oaths and issue process.

SEC. 22. Every member of said water commission is hereby authorized to administer oaths and to cause the production of persons, papers, records and books in all matters of business transacted before said commission.

Record of commission.

SEC. 23. A full and accurate record of the business transacted or acts performed by any member of the water commission, and the proceedings of the meetings of said commission, shall be kept and shall be placed on file in the office of said water commission.

Power to employ assistants.

SEC. 24. Said commission is hereby granted power to employ such persons and to engage such assistants, clerical, professional and other, as it may see fit, and at such salaries or compensation as the commission may determine. And for the purpose of carrying out the provisions of this act so much of the sum appropriated by chapter 406 of the laws of 1911, approved April 8, 1911, entitled "An act regulating and limiting the appropriation of water for generating electricity," etc., as may not have been expended is hereby reappropriated, and the state controller is hereby authorized and directed to draw his warrants from time to time on the requisition of the state water commission approved by the state board of control, and the state treasurer is hereby authorized and directed to pay such warrants.

Reappropriation.

Payment of salaries and expenses.

SEC. 25. All indebtedness incurred for salaries, and all necessary costs and traveling and other expenses of said commission, and each of its members and persons employed by it, while actually engaged in the business of said commission, shall be paid by the state out of the funds hereby appropriated upon a sworn statement of the person or persons incurring such indebtedness and upon the approval of the water commission and the state board of control upon warrants drawn upon the

state treasurer as provided by law for the payment of similar costs and expenses and the drawing of similar warrants.

SEC. 26. All persons, firms, associations or corporations generating electricity or electrical or other power by water or the use of water appropriated under the provisions of this act shall keep their plants and systems in proper repair, and shall upon the first day of January after the passage of this act, and annually thereafter, report to said water commission the condition of their plants and distributing systems, the number of kilowatt hours of electricity or electrical or other power generated during each month of said year, the number of kilowatt hours of electricity or electrical or other power rented, sold or distributed during each month of said year, and the names of the persons, firms, associations or corporations to whom said power has been rented, sold or distributed.

Repair of
plants and
systems.

Annual
reports to
commission.

SEC. 27. The water commission shall maintain its office at Sacramento, California. The superintendent of capitol building and grounds shall furnish and set aside in the capitol rooms suitable for offices for said water commission, and if the superintendent of capitol building and grounds shall make and file an affidavit with the said commission that it is not possible for him as such superintendent of capitol building and grounds to provide offices for said commission in the capitol, then the said commission may rent rooms suitable for offices in the city of Sacramento, and said rental shall be deemed a necessary expense of said commission.

Office of
commission,
location.

SEC. 28. No person, firm, association or corporation appropriating water or the use of water hereunder shall enter into any agreement, combination or trust in restraint of trade contrary to law, and if any of the works owned or operated by any licensee under this act or his assign or assigns shall be owned, leased, trusteeed, possessed or controlled by any device, permanently, temporarily, directly or indirectly, tacitly, or in any manner whatsoever, so that it or they form a part of or in any way effect any combination, or if it or they are in anywise controlled by any combination or conspiracy to limit the output of electricity or electrical or other power, or to increase the price at which electricity or electrical or other power is sold, rented or distributed, or to prevent the lowering of said price or in restraint of trade with foreign nations, or between two or more states or territories or with any state or territory, in the generation, sale, distribution of electricity or electrical or other power, all rights to the appropriation of water or the use of water shall cease and be forfeited to the people of the state by proceedings instituted in the courts for that purpose by the attorney general of the state either upon his own initiative or upon demand of the water commission.

Combina-
tions in
restraint
of trade
forbidden.

Forfeiture
of rights.

SEC. 29. Any violation of the provisions of this act, or of any order or regulation of the water commission, is hereby declared to be a misdemeanor, and shall be punished by a fine not exceeding five thousand (5,000) dollars or by imprisonment in the county jail not exceeding one (1) year, or by both

Penalty for
violations
of this
act.

such fine and imprisonment. It shall be the duty of the water commission to enforce the provisions of this act, and to prosecute violations thereof by proceeding in a court of competent jurisdiction against any person, firm, association or corporation violating any such provisions, or failing or refusing to comply with any regulation or requirement of the water commission made pursuant to the provisions of this act.

Application
of act to
municipal
corporations,
irrigation
districts, and
lighting
districts.

SEC. 30. None of the provisions of this act shall apply to municipal corporations, other than irrigation districts or lighting districts, nor to the use by any irrigation district of water for the generation of electricity, electrical or other power only for use and distribution within its own limits, and as subsidiary to and mainly for the purpose of serving and carrying out irrigation, nor to the use by any lighting district of water for the generation of electricity, electrical or other power only for use and distribution within its own limits; *provided, however*, that all municipal corporations, other than irrigation districts and lighting districts, desiring to appropriate water for the generation of electricity, electrical or other power, and all irrigation districts and lighting districts desiring to appropriate water for the generation of electricity, electrical or other power, and all irrigation districts and lighting districts desiring to appropriate water for the generation of electricity, electrical or other power, for the uses hereinabove in this section specified shall within ten days from the time that they post and record notices of appropriation, as required by law, file with the water commission a notice of said appropriation together with the name and post office address of the appropriator, the source of the water to be appropriated or used, the nature and amount of the proposed use, the head of an[d] amount of water proposed to be utilized, the uses to which the water and power are to be applied, the nature, location, character, estimated capacity and estimated cost of the works and whether the water is to be and will be returned to the stream or source from which it is to be taken and, if so, at what point on said stream or source. If the appropriation contemplates the construction of a reservoir for the purpose of storing water to be used for the generation of electricity or electrical or other power, the notices filed with the commission shall also give the estimated height of the dam and the estimated capacity of the reservoir in addition to the other requirements above set forth.

Liability
of persons
participating
in violations
of this act.

SEC. 31. Wherever in this act the performance or doing of certain acts or things by any firm, association or corporation is made a misdemeanor, and a penalty provided therefor, the person, officer, member, manager, agent, director or employee of any such firm, association or corporation who by vote, act, authorization, direction, order or request shall have caused such act or thing to be done is likewise and in the same manner guilty of a misdemeanor, and shall be punished likewise and in the same manner as the person actually performing or doing the act or thing.

SEC. 32. An act entitled "An act regulating and limiting

the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the state the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the state the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this act; repealing all acts and parts of acts in conflict with this act," approved April 8, 1911, and all acts or parts of acts in conflict herewith are hereby repealed.

Renewal of
other acts.

SEC. 33. This act shall take effect ninety days after the final adjournment of this session of the legislature.

CHAPTER 42.

An act to amend section 1151 of the Political Code of the State of California, relating to board of elections for special election precincts—poll lists.

[Approved January 9, 1912.]

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

SECTION 1. Section 1151 of the Political Code of the State of California is hereby amended 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, and two 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, and two clerks, 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 for special election precincts.

Poll list and tally list.

CHAPTER 43.

An act to amend sections 1142 and 1204 of the Political Code of the State of California, relating to boards of election and manner of voting.

[Approved January 9, 1912.]

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

SECTION 1. Section 1142 of the Political Code of the State of California is hereby amended to read as follows:

1142. When an election is ordered, the board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, of the state must appoint officers of election board from the registered electors of each precinct whose names appear upon the last assessment roll of the county or city and county to serve as election officers

Boards of election, how appointed and how constituted.

only in the election precinct in which they are registered and actually reside to constitute the election board for such precinct, which shall consist of two inspectors, two judges, and two clerks; *provided*, that in any precinct which has a total registration of less than seventy-five voters, the election board may, in the discretion of the board of supervisors or other board having charge and control of elections in such precinct, consist of one inspector, one judge, and two clerks, the inspectors, judges, and clerks 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 general election; the inspectors, judges, and clerks so appointed shall constitute a board of election for such precinct. The inspectors, judges, and clerks upon each board of election shall distribute the extra duties devolving upon such board of election in addition to their own duties in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of boards of election by other sections of this code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision. Not more than two members of any board of election shall be absent from the polling place at any one time. And such board of supervisors or other board having charge of elections must publish the names of such electors who constitute the board of election for such election precinct, in some newspaper published in the county or city and county where the election is to be held for five successive days at least one week before the day such election is to be held; or in a weekly paper published in the county, for the two successive weeks prior to the election. Such board of election shall canvass the votes for such precinct. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificate shall be signed by a majority of the whole. No person shall be eligible to act as an officer of election at any precinct who has been employed in any official capacity in the county, or city and county, in the state, within ninety days next preceding any election. No person shall be eligible to act as a member of any election board, or as a clerk upon such board, who can not read and write the English language. Any person acting as a member of any election board, or as a clerk upon such board, who can not read and write the English language, and any person who refuses to act upon such board, or as a clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown to the election board or to the board of supervisors, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of five hundred dollars, and upon failure to pay said fine shall be imprisoned in the county jail of such county, or city and county, for the period of one day for each one dollar of said fine.

Distribution
of duties.

Names of
board to be
published.

Eligibility
to act.

Unlawfully
acting, or
refusing
to act.

SEC. 2. Section 1204 of the Political Code of the State of California is hereby amended to read as follows:

Voter to
write name
before
receiving
ballot.

1204. Any person desiring to vote shall write his name and address (or, if he be unable to write, shall have the same written for him) on a roster of voters provided for that purpose and announce the same to one of the election officers, who shall then in an audible tone of voice announce the same, and if another election officer finds the name on the register, he shall in like manner repeat the name and address, whereupon a challenge may be interposed as provided in section 1230 of this code. In all cases except in those where the name and address of the voter is written on the roster of voters for him, as above provided, it shall be the duty of the election officer in the presence and view of the bystanders, to compare the signature of the voter on the roster of voters with the signature of that person on the register and no ticket shall be given such voter until such comparison of signatures shall have been made, and until such a comparison has been made, as aforesaid, the right of a voter to vote may be challenged. If the challenges be overruled, the election officer shall give the voter a ticket and the clerk shall write on the register opposite the name of the voter the number of the general ticket given him and also the number of the municipal ticket given him when any city, city and county or town officer is to be elected and the voter shall be allowed to enter the place enclosed by the guard rail as above provided. The election officer shall give him but one general ticket, and where any city, city and county or town officers are to be elected also one municipal ticket and only one ballot of each kind, and in order to prevent voters from marking their ballots with a pencil, or otherwise contrary to law, it shall be the duty of the election officer whenever he shall deliver a ballot to any voter to then orally distinctly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law or it will not be counted.

Challenges.

Comparison
of signa-
tures.

Entry
by clerk.

Voter to
receive but
one ballot.

Oral
instructions.

CHAPTER 44.

An act to repeal section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

[Approved January 9, 1912.]

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

Repeal
of code
section.

SECTION 1. Section 1202 of the Political Code of the State of California is hereby repealed.

CHAPTER 45.

An act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

[Approved January 9, 1912.]

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

SECTION 1. Section twelve hundred and ten of the Political Code of the State of California is hereby amended so as to read as follows:

1210. The county clerk of each county, or, in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be designated "sample ballot" upon the face thereof. Said clerk or secretary shall commence to mail the same, postage prepaid, to registered voters, ten days before the day fixed by law for such election, and shall have all of the same mailed at least five whole days before the day of election; *provided*, that not more than one sample ballot shall be furnished to any one voter; and *further provided*, that for any general election the number of sample ballots printed shall not exceed the total registration by more than fifteen per cent of such registration, and that for any primary election the number of sample ballots printed for any party shall not exceed the total registration of such party by over twenty per cent of such registration. Such clerk or secretary shall cause to be printed, in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots and he shall furnish twelve such cards to the board of election in each election precinct in his county, at the same time and in the same manner as the printed ballots and sample ballots. The board of election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Sections twelve hundred and fourteen and twelve hundred and fifteen of this code, and section sixty-one of the Penal Code, shall also be printed on each of said cards.

Sample
ballots.

Limitation
on number
printed.

Cards of
instructions
to voters.

CHAPTER 46.

An act to amend section 1197 of the Political Code, relating to election ballots.

[Approved January 9, 1912.]

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

SECTION 1. Section 1197 of the Political Code is hereby amended to read as follows:

Form of ballot.

1197. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law, together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth.

Order in which offices shall appear, by whom determined.

2. The order in which the list of offices shall appear on the ballot shall, as to state offices and district offices, when the district includes more than one county, be determined by the secretary of state, and shall as nearly as may be practicable be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk.

State ticket, and United States senator.

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter, for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; *provided, however,* that the names of candidates for the office of electors for president and vice-president shall be arranged in groups as presented in the several certificates of nomination, and the secretary of state shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein; and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the other groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination, and shall remain the same for all assembly districts.

Presidential electors.

Voting square for groups.

A blank column one half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for president and vice-president, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a

square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Representative in congress, or office voted for in more than one county.

In certifying to each county clerk or registrar of voters the list of names as required in section 23 of the primary election law the secretary of state shall certify and transmit the list of candidates for each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

Candidates certified according to assembly districts.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; *provided*, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing

Offices voted on wholly within one county.

first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

State senator or assemblyman.

(c) If the office is that of state senator or assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

Municipal offices.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Independent candidates.

If the nomination of a candidate for any office shall be made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of such candidate with the word "independent" printed to the right thereof, shall be placed on the ballot next below the names of the other candidates for the same office; *provided, however,* that in the case of judicial officers and school officers the word "independent" shall be omitted.

Dimensions of ballot.

3. All ballots shall be not to exceed twenty-four inches in length, and shall be four inches in width, and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or "Vote for Two" or more, according to the number to be elected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight point roman type (capitals) in proper order below the designation of the office, and in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated; *provided,* that when a candidate has been nominated by petition, the word, "independent," shall be printed to the right of his name; *and provided also,* that as to candidates for judicial offices, and school offices the designation of the political party or parties, or the word "independent," if there be an independent candidate, shall be omitted. The

Headings of groups.

Style of printing names of candidates.

Party designation.

name of the candidate, and the designation of the political party or parties by which he has been nominated shall be printed in a space one half inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof one half inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping a cross (X) therein and after the name of the candidate, his choice of particular candidates.

Voting square for individual candidates.

4. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the list of candidates for other offices by a double rule, above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "state," "congressional," "legislative," "county," or "municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three point line.

Segregation of offices.

5. The left-hand side of each column of names on the ballot and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one twelfth of an inch wide, and the edge of the ballot on the left-hand side thereof shall be trimmed off up to the first border or solid line, on the left-hand side of the ballot, and on the right-hand side of the ballot shall be perforated along the border, or solid line above described. The ballot shall be so printed as to give each voter a clear opportunity to designate by stamping a cross (X) in a blank inclosed space, hereinbefore designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates, or his choice of each and all of a group of candidates as provided in subdivision 2 of this section. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom, along the border or solid line hereinbefore described, one half inch from the right-hand side of the ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot, which shall be upon the back of such strip in such position that it will appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed on the back, below the stub, and immediately at the left of the center of the ballot, in eighteen

Margins and perforations.

Stub.

Numbering.

Enforcement on back.

point gothic capitals, the words "general ticket," and underneath the respective number of congressional, senatorial and assembly districts in which each ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of candidates for city and county offices, and also all ballots printed by the clerks, registrars of voters or secretary of a legislative body or any incorporated city or town, shall have printed in the same manner, on the back, the words, "municipal ticket."

Tint of
municipal
ballot.
Uniformity
required.

All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

6. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

Term of
office.

7. If two or more officers are to be elected for the same office for different terms, the term for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "full term" printed immediately thereafter and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "short term" printed immediately thereafter.

Propositions
or constitu-
tional
amendments.

8. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column, or columns of sufficient width, with voting squares, in which such question, proposition or constitutional amendment shall be designated, and opposite such question, proposition or constitutional amendment to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "No," his vote shall be counted against the adoption of the same.

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote not to exceed, however, the number of candidates who are to be elected. If the ballot does not contain the names of candidates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted by writing the name of the candidate for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No". All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another.

STATE

Governor Vote for One	
JOHN C. KELLY, Republican	
THOMAS G. ADAMS, Democrat	
FRANK K. SMITH, Prohibition	
Lieutenant Governor Vote for One	
I. G. STEVENS, Republican	
H. DEAN, Democrat, Socialist	
N. DUFFY, People's Party	
Chief Justice of the Supreme Court Vote for One	
JOHN LAW	
HENRY JOLES	
TOM ASHLEY	
Associate Justices of the Supreme Court Vote for Two	
ARTHUR COREY	
JOHN WHITE	
Secretary of State Vote for One	
CLINTON STOLZ, Democrat	
ARCH DENNY, Socialist	
CLAUD PIERSON, Labor Party	
Controller Vote for One	
HENRY SIMPSON, Democrat	
TOMES JONES, Socialist, Republican	
JOHN SMITH, People's Party	
Treasurer Vote for One	
EDGAR ALLEN, Prohibition	
FREDERICK LUKENS, Republican	
SAM T. CAMPBELL, Socialist	

Attorney General

Attorney General Vote for One	
JAMES McCARTY, Republican	
JOHN MASTERS, Socialist	
E. W. TURNER, Prohibition	
Surveyor General Vote for One	
HENRY SULLIVAN, Democrat	
JOHN KANE, Republican	
WILLIAM FULLER, Prohibition	
Clerk of the Supreme Court Vote for One	
IKE LEE, Republican, Democrat	
JOE K. HENRY, Socialist	
JOHN PHELPS, Prohibition	
Superintendent of Public Instruction Vote for One	
C. C. COLLINS	
L. W. WILSON	
A. L. DINE	
CONGRESSIONAL	
United States Senator Vote for One	
JOHN McCULLOCH, Republican	
T. H. BERKHART, Democrat	
A. L. CURTIS, Socialist	
Representative in Congress, Seventh Congressional District Vote for One	
ALLAN FLYNN, Republican	
GEORGE MURRAY, Democrat	
EDGAR SHANNON, Prohibition	
Member State Board of Equalization, Fourth District Vote for One	
FRANK MATTHEWS, Republican	
JAMES HANDLEY, Democrat	
FRANK MARK, Socialist	

LEGISLATIVE

State Senator, Thirty-eighth Senatorial District Vote for One	
H. G. CHAPIN, Democrat	
C. S. COLBY, Socialist	
T. K. JONES, Republican	
Member of the Assembly, Seventy-Second District Vote for One	
T. J. KERR, Prohibition	
A. K. SPAULDING, Democrat	
U. S. MENKE, People's Party	
Judges of the Superior Court Vote for Two	
LUCIEN EARLE	
SILAS MACKEY	
Sheriff Vote for One	
M. C. CONNELLY, Republican	
L. MIND, Democratic, Socialist, Prohibition	

COUNTY

Senate Constitutional Amendment Number 4— Relating to the public school system and support of public schools.	Yes	
	No	
"For the State Highway Act"	Yes	
	No	

9. On the top of the face of the ballot the following directions shall be printed: Instructions to voters.

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote not to exceed, however, the number of candidates who are to be elected. If the ballot does not contain the names of candidates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted by writing the name of the candidate for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose.

To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

In elections when electors of president and vice-president of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: To vote for all or a group of persons, stamp a cross (X) in the square opposite such group, this instruction appearing immediately before the words: "To vote for a person not on the ballot." Additional instruction.

10. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form: Form.

[Face of ballot on insert.]

(Indorsement on back of ballot.)

GENERAL TICKET.

SEVENTH CONGRESSIONAL DISTRICT.

THIRTY-EIGHTH SENATORIAL DISTRICT.

SEVENTY-SECOND ASSEMBLY DISTRICT.

CHAPTER 47.

An act to amend sections 1096 and 1097 of the Political Code relating to elections and the registration of voters.

[Approved January 9, 1912.]

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

SECTION 1. Section 1096 of the Political Code of the State of California is hereby amended to read as follows:

Affidavit of registration, qualifications for making, and contents.

1096. The affiant making the affidavit of registration must be a citizen of the United States at least ninety days prior to the next succeeding election, and be at least twenty-one years of age at the time of such election.

Such affiant must also show:

1. The name at length, including Christian or given name, and middle name or initial, if any.

2. The sex.

3. The occupation.

4. The height.

5. The country or state of nativity.

6. The place of residence of the elector (giving ward and precinct); and in municipal corporations, by specifying the name of the street, avenue, or other location of the dwelling of such elector, with the number of such dwelling, if the same has a number, and if not, then with such description of the place that it can be readily ascertained and identified. If the elector be not the proprietor or head of the house, or the wife or husband of such proprietor, then it must show that fact, and upon what floor thereof, and what room such elector occupies in such house.

7. Political affiliation, if any.

8. If naturalized, the place of naturalization.

9. If the elector has acquired citizenship by marriage, the date or year and place of such marriage, and the name of the person to whom married.

10. The date of entry of each person.

11. The post office address.

12. The fact whether or not the elector desiring to be registered is able to read the constitution in the English language and to write his name, and whether or not the elector has any physical disability, by reason of which he can not mark his ballot; and if he can not mark his ballot by reason of physical disability, then the nature of such disability must be entered.

SEC. 2. Section 1097 of the Political Code of the State of California is hereby amended to read as follows:

Requirements for registration.

1097. No person's name must be entered by the officer charged with the registration of voters unless:

1. Upon the production and filing of a certified copy of the judgment of the superior court directing such entry to be made.

2. If a naturalized citizen upon the production of his certificate of naturalization, which certificate must be issued ninety days prior to the succeeding election, or upon his affidavit that it is lost or out of his possession, which affidavit must state the place of his nativity, and the date or year and place of his naturalization, together with his affidavit that he has resided in the United States for five years next preceding the time of application, and that he will have resided in the state one year, and in the county or city and county ninety days, and in the precinct thirty days next preceding the next ensuing election, and that he is or will be an elector of the county or city and county at the next succeeding election; *provided, however*, if such naturalized citizen shall have been previously registered as a qualified elector in any of the counties or cities and counties of this state, and shall produce a certificate of such registration, issued by the party authorized by law to issue such certificate, which shall recite the date or year and place of naturalization of such elector, such certificate shall be prima facie evidence of his naturalization. In the event that such naturalized citizen shall state in his affidavit that he was naturalized in the county or city and county in which he seeks to register, or in the event that he was previously registered within the preceding eight years within the county or city and county in which he seeks to register, and his certificate of naturalization has not been revoked or that she has not since gaining citizenship lost her citizenship, such citizen shall not be required to produce his or her certificate of naturalization, or of marriage, nor to make such affidavit of lost certificate in lieu thereof; *provided, however*, that in any county or city and county where the affidavits of registration have been destroyed by fire or conflagration, or other public calamity, the above stated provisions as to previous registration within the preceding eight years shall in such county or city and county, apply only for such number of years past as there shall exist a record of previous registration, and not to exceed in any event said eight years.

Citizen
naturalized
by court.

3. If a citizen by virtue of the naturalization of his father, upon his affidavit that he became a citizen of the United States by virtue of such naturalization of his father, which naturalization took place during his minority and that he began to reside permanently in the United States while such minor child, and that he is or would be an elector of the county or city and county at the next ensuing election.

Citizen by
naturalization
of
father.

4. If a citizen by virtue of marriage, her name shall be entered when it also appears from such affidavit that the affiant on a date or year and at a place therein mentioned, married a citizen of the United States, naming him, or a person, naming him, who became a citizen of the United States, by naturalization.

Citizen by
marriage.

5. In all other cases, upon the affidavit of the party that he is or will be an elector of the county at the next succeeding election. Such affidavit must be made before the county clerk

Citizen by
nativity.

Registration
of absent
elector.

or officer charged with the registration of voters, or their deputy or registration clerk. If any elector is absent from the county in which he claims residence, he may appear before any judge or clerk of any court of record, or notary public, or if in a foreign country, before any minister, consul, or vice-consul of the United States, and may make and subscribe an affidavit as to his residence, specifying in what ward or precinct he claims residence; that he will be necessarily and unavoidably absent from said county or city and county on all the days allowed by law for general registration of electors, and setting forth in such affidavit each and all the matters required by sections one thousand and ninety-six and one thousand and ninety-seven of the Political Code of the State of California, and forward such affidavit, duly authenticated as above, by mail, enclosed in an envelope, addressed to the county clerk of any county, or the registrar of voters in any county or city and county in which he claims to be an elector. Upon receipt of such affidavit by such clerk or registrar of voters, within the time allowed by law for registration, the said affidavit shall be entered and bound by the clerk in the proper register in such precinct.

Change of
surname by
marriage.

6. Whenever any elector, between the time of her last registration and the time for the closing of registration for any given election in the same county or city and county, shall have lawfully changed her surname by a change or assumption of marital relations, she shall be entitled to re-register under her new or changed name, upon an additional statement made at the time of such re-registration, giving the name under which she was so last registered in said county or city and county, and the residence given and contained in said last affidavit of registration, which additional statement shall be printed or written upon the margin of such affidavit of re-registration before the said affidavit is signed, and shall be deemed a part thereof. Upon such re-registration the last previous registration of such elector shall be canceled.

Affidavit of
registration
must show
all facts.

7. In every case the affidavit of the party must show all the facts required to be stated. The clerk or registrar of voters may cause to be written or printed upon the margin of the affidavit, in addition to any matter hereinafter provided for, all such words as are deemed necessary or convenient for the purpose of designating the precinct, district or political subdivision for which such affidavit is taken, or deemed necessary or convenient to indicate any removal or transfer of registration, and also any data or memorandum deemed necessary or convenient to indicate the number of the ballot voted by an elector as provided by section 1204 of the Political Code, or any other reasonable memoranda deemed necessary or convenient for the purpose of enabling such clerk or registrar of voters to perform his duties in the assorting or classification or handling of such affidavits with correctness and despatch. Wherever in the following form of affidavit the word "county" is inserted, if the affidavit is for use in a city and county, such last mentioned words may be printed or written in lieu of said

Additional
entries or
memoranda.

STATE OF CALIFORNIA,
COUNTY OF (Insert County or City and County). } ss.

AFFIDAVIT OF REGISTRATION.

The undersigned affiant, being duly sworn, says: I am or will be a citizen of the United States at least ninety days prior to the next succeeding election, and will be at least twenty-one years of age at the time of said next succeeding election.

- 1 My full name is
(Including christian or given name, and middle name or initial, if any.)
- 2 Sex and Occupation
- 3 My height is feet, inches.
- 4 My country or state of nativity is
- 5 My place of residence is Precinct Street
6 between Streets, Floor, Room.....
- 7 I am the proprietor or head of the house, or the wife or husband of such proprietor.
- 8 My post office address is
- 9 I intend to affiliate at the ensuing primary election with the Party.
- 10 { Naturalized } Date Place { City or } State of
by court. } { Town }
Such certificate of naturalization was issued ninety days prior to the next succeeding election.
- 11 Said certificate of naturalization is lost or out of my possession. It has not been revoked.
- 12 { Naturalized } I became a citizen by virtue of the naturalization of my father, which took place during my
by father's } minority, and I began to reside permanently in the United States while such minor child.
naturalization. }
- 13 { Naturalized } I became a citizen by virtue of my marriage to a citizen of the United States, or a person who
by marriage. } became a citizen of the United States by naturalization, and my citizenship has not been lost.
Date of said marriage Name of husband
- 14 I am not registered in any other county in this state.
- 15 I am able to read the constitution in the English language.
- 16 I am able to write my name.
- 17 I was more than sixty years of age November 6, 1894. (To be answered in case either 15 or 16 is answered negatively.)
- 18 I can mark my ballot, by reason of physical disability, viz.,
(If first blank is filled out by word "not," state nature of disability in second blank.)
- 19 { I have resided in the United States five years next preceding the time of application and will have resided in this
state one year, and in said county ninety days, and in said precinct thirty days next preceding the next ensuing
election, and will be an elector of said county at the next succeeding election.

Subscribed and sworn to before me this

..... day of 1910 }
(Applicant sign here)

....., County Clerk (or Registrar of Voters).

....., Deputy-Clerk (or Deputy Registrar of Voters).

word "county." In connection with the place of residence the affidavit may have printed either the word "precinct," or the the word "street," or the word "avenue," or any or all of such words as the clerk or registrar of voters shall deem will be most convenient in practical use for the territory in which such affidavits are to be used.

In designating the residence of the voter or the post office address it shall not be necessary in either case to repeat the county or city and county or state where the name of said county or city and county or state previously appear. The words printed in the body of the affidavit, which by reason of statements of the voter are not applicable to such registration, shall not be deemed a portion of such affidavit of registration. The lines to indicate the separation between the margin of the affidavit of registration and the said margin shall be at the top and on the right side of such affidavit, and may be double or single lines in the discretion of the clerk or registrar of voters of the county or city and county or territory for which the affidavit is to be used. The affidavit shall be printed in horizontal lines. Wherever any blank space is left in any line for the entry of any matter the lines shall not be less than one third of an inch apart vertically. Commencing with the first statement of the affidavit proper each statement shall be numbered immediately at the left of such statement in a numerical sequence, the first statement commencing with No. 1, and so on to the end, but the jurat and space for the signature of the voter need not be numbered. The horizontal width of the affidavit, separate, from any and all margin, shall be not less than seven and one half ($7\frac{1}{2}$) inches, and the margin upon all sides and at top and bottom shall be of such width as may be determined by the clerk or registrar of voters. The words "Affidavit of Registration" shall be not less than twenty-four-point black-face type. Pen and ink or indelible pencil must be used in making the portions of the affidavit which are not printed. The matter in the body of the affidavit, where the size of type is not otherwise specified, shall be not less than ten-point plain faced type, save that words inserted in parentheses, which are for the information or instruction of the deputies or registration clerks, may be in smaller type, at the discretion of the county clerk or registrar of voters. Subject to the foregoing provisions the body of said affidavit shall be substantially in the following form:

[Face of affidavit on insert.]

Arrangement
and style of
printing.

Form of
affidavit.

CHAPTER 48.

An act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office and the compensation to be paid such registrar in the various classes of counties.

[Approved January 10, 1912.]

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

SECTION 1. A new section is hereby added to the Political Code of California, to be known and numbered as section 4149e and to read as follows:

Registrar
of voters, to
be appointed
in each
county.

4149e. The board of supervisors of each county shall appoint a registrar of voters who shall serve until twelve o'clock M. of the first Monday after the first day of January, 1915, and on the first Monday after the first day of January, 1915, and every four years thereafter, the board of supervisors of each county shall appoint a registrar of voters who shall receive the compensation provided by law and shall serve for the period of four years. Such registrar of voters shall, before entering upon the discharge of his duties, take the oath of office prescribed by law for county officers, and execute a bond in such sum as may be required by the board of supervisors for the faithful and proper discharge of his duties as such registrar of voters, said bond to be approved, recorded and filed, as provided by law for other county officers.

Salaries,
deputies -
counties
of first
second,
third,
classes

The salary of the registrar in counties of the first class shall be twenty-four (\$24.00) dollars per annum. In counties of the second class the registrar shall be allowed such salaries and deputies as are now or may hereafter be provided by law. In counties of the third class the registrar shall be allowed such salaries and deputies as are now or may hereafter be provided by law.

Fourth

The salary of the registrar in counties of the fourth class shall be twenty-four (\$24.00) dollars per annum. In counties of the fourth class the registrar shall be allowed two deputies to serve during each even numbered year; each of said deputies shall receive a salary of one hundred dollars per month during each even numbered year.

Fifth

The salary of the registrar in counties of the fifth class shall be twenty-four (\$24.00) dollars per annum.

Sixth

The salary of the registrar in counties of the sixth class shall be twenty-four (\$24.00) dollars per annum.

Seventh

The salary of the registrar in counties of the seventh class shall be twenty-four (\$24.00) dollars per annum.

Eighth.

The salary of the registrar in counties of the eighth class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the ninth class shall be twenty-four (\$24.00) dollars per annum. Ninth.

The salary of the registrar in counties of the tenth class shall be twenty-four (\$24.00) dollars per annum; and in addition to such salary and in addition to the deputies now provided by law and allowed to the official charged with registration, said registrar may appoint additional deputies, not to exceed two in number, for the purpose of registering electors and attending to election matters, to be paid not to exceed four (\$4.00) dollars per diem each; *provided*, that such deputies so employed and appointed shall not be employed except during a year when the general election is held throughout the state, and then only between the first day of January and the fifteenth day of November of said year. Each of said deputies shall be paid at the same time and in the same manner as county officials are paid. Tenth.

The salary of the registrar in counties of the eleventh class shall be twenty-four (\$24.00) dollars per annum. Eleventh.

The salary of the registrar in counties of the twelfth class shall be twenty-four (\$24.00) dollars per annum. In addition to such salary in counties of this class, the registrar shall receive from the county the sum of twelve and one half cents for each name registered. Twelfth.

The salary of the registrar in counties of the thirteenth class shall be twenty-four (\$24.00) dollars per annum; *provided, further*, that in counties of this class the registrar of voters is hereby allowed one deputy whose salary is hereby fixed at seventy-five (\$75.00) dollars per month. Thirteenth.

The salary of the registrar in counties of the fourteenth class shall be two hundred and fifty (\$250.00) dollars per annum. Fourteenth.

The salary of the registrar in counties of the fifteenth class shall be twenty-four (\$24.00) dollars per annum; *provided*, that in counties of this class the registrar of voters shall be allowed one deputy whose salary is hereby fixed at seventy-five dollars per month. Fifteenth.

The salary of the registrar in counties of the sixteenth class shall be one hundred (\$100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of five cents for each name inserted in said great register and supplements thereto, to be paid upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county; *and provided, further*, that in any year when a new register of voters is required by law or supplements to be made thereto, the said registrar may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board Sixteenth.

of supervisors of said county a duly verified claim therefor on the general fund of said county after proper allowance of said claim by said board of supervisors.

Seventeenth.

The salary of the registrar in counties of the seventeenth class shall be five hundred dollars (\$500.00) per annum and such other fees as are now allowed by law to the county clerk for registration of voters.

Eighteenth.

The salary of the registrar in counties of the eighteenth class shall be twenty-four (\$24.00) dollars per annum.

Nineteenth.

The salary of the registrar in counties of the nineteenth class shall be six hundred (\$600.00) dollars per annum.

Twentieth.

The salary of the registrar in counties of the twentieth class shall be twenty-four (\$24.00) dollars per annum.

Twenty-first.

The salary of the registrar in counties of the twenty-first class shall be twenty-four (\$24.00) dollars per annum; *provided*, that in counties of this class the registrar of voters in any year when a new registration of voters is required by law he shall be paid the sum of seven cents per name for each elector registered by him.

Twenty-second.

The salary of the registrar in counties of the twenty-second class shall be twenty-four (\$24.00) dollars per annum.

Twenty-third.

The salary of the registrar in counties of the twenty-third class shall be twenty-four (\$24.00) dollars per annum; *provided*, that in counties of this class the registrar of voters is hereby allowed one deputy whose salary shall be the sum of seventy-five dollars per month.

Twenty-fourth.

The salary of the registrar in counties of the twenty-fourth class shall be one hundred (\$100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county.

Twenty-fifth.

The salary of the registrar in counties of the twenty-fifth class shall be eight hundred and forty (\$840.00) dollars per annum.

Twenty-sixth.

The salary of the registrar in counties of the twenty-sixth class shall be seven hundred (\$700.00) dollars per annum.

Twenty-seventh.

The salary of the registrar in counties of the twenty-seventh class shall be two hundred and fifty (\$250.00) dollars per annum.

Twenty-eighth.

The salary of the registrar in counties of the twenty-eighth class shall be three hundred (\$300.00) dollars per annum.

Twenty-ninth.

The salary of the registrar in counties of the twenty-ninth class shall be three hundred (\$300.00) dollars per annum.

Thirtieth.

The salary of the registrar in counties of the thirtieth class shall be twenty-four (\$24.00) dollars per annum.

Thirty-first.

The salary of the registrar in counties of the thirty-first class shall be twenty-four (\$24.00) dollars per annum.

The salary of the registrar in counties of the thirty-second class shall be twenty-four (\$24.00) dollars per annum, in counties of this class the registrar shall receive and he is hereby allowed in addition to such salary of twenty-four (\$24.00) dollars per annum from the county, the sum of twelve and a half cents for each name registered.

Thirty-second.

The salary of the registrar in counties of the thirty-third class shall be six hundred (\$600.00) dollars per annum.

Thirty-third.

The salary of the registrar in counties of the thirty-fourth class shall be twenty-four (\$24.00) dollars per annum.

Thirty-fourth.

The salary of the registrar in counties of the thirty-fifth class shall be twelve hundred (\$1,200.00) dollars per annum.

Thirty-fifth.

The salary of the registrar in counties of the thirty-sixth class shall be twenty-four (\$24.00) dollars per annum.

Thirty-sixth.

The salary of the registrar in counties of the thirty-seventh class shall be twenty-four (\$24.00) dollars per annum. In addition to such salary in counties of this class the registrar shall receive from the county the sum of ten cents for each name registered.

Thirty-seventh.

The salary of the registrar in counties of the thirty-eighth class shall be five hundred (\$500.00) dollars per annum.

Thirty-eighth.

The salary of the registrar in counties of the thirty-ninth class shall be twenty-four (\$24.00) dollars per annum.

Thirty-ninth.

The salary of the registrar in counties of the fortieth class shall be twenty-four (\$24.00) dollars per annum; *provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten cents (10c) per name for each elector registered by him.

Fortieth.

The salary of the registrar in counties of the forty-first class shall be twenty-four (\$24.00) dollars per annum; *provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten (10c) cents per name for each elector registered by him.

Forty-first.

The salary of the registrar in counties of the forty-second class shall be three hundred and sixty (\$360.00) dollars per annum.

Forty-second.

The salary of the registrar in counties of the forty-third class shall be twenty-four (\$24.00) dollars per annum.

Forty-third.

The salary of the registrar in counties of the forty-fourth class shall be one hundred (\$100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors out of the county general fund upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county.

Forty-fourth.

The salary of the registrar in counties of the forty-fifth class shall be twenty-four (\$24.00) dollars per annum; *provided, further*, that in any year when a new registration of voters is

Forty-fifth.

required by law, the registrar of voters shall be paid the sum of ten (10c) cents per name for each elector registered by him.

Forty-sixth.

The salary of the registrar in counties of the forty-sixth class shall be one hundred (\$100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors out of the county general fund upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county.

Forty-seventh.

The salary of the registrar in counties of the forty-seventh class shall be twenty-four (\$24.00) dollars per annum.

Forty-eighth.

The salary of the registrar in counties of the forty-eighth class shall be four hundred (\$400.00) dollars per annum.

Forty-ninth.

The salary of the registrar in counties of the forty-ninth class shall be one hundred (\$100.00) dollars per annum.

Fiftieth.

The salary of the registrar in counties of the fiftieth class shall be one hundred (\$100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors out of the county general fund upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county.

Fifty-first.

The salary of the registrar in counties of the fifty-first class shall be twenty-four (\$24.00) dollars per annum.

Fifty-second.

The salary of the registrar in counties of the fifty-second class shall be seventy-five (\$75.00) dollars per annum.

Fifty-third.

The salary of the registrar in counties of the fifty-third class shall be twenty-four (\$24.00) dollars per annum.

Fifty-fourth.

The salary of the registrar in counties of the fifty-fourth class shall be twenty-four (\$24.00) dollars per annum.

Fifty-fifth.

The salary of the registrar in counties of the fifty-fifth class shall be twenty-four (\$24.00) dollars per annum.

Fifty-sixth.

The salary of the registrar in counties of the fifty-sixth class shall be twenty-four (\$24.00) dollars per annum.

Fifty-seventh.

The salary of the registrar in counties of the fifty-seventh class shall be twenty-four (\$24.00) dollars per annum; *provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten (10c) cents per name for each elector registered by him.

Fifty-eighth.

The salary of the registrar in counties of the fifty-eighth class shall be twenty-four (\$24.00) dollars per annum; *provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid

the sum of ten cents (10c) per name for each elector registered by him. The compensation of all deputies in this section provided for shall be paid by the said county in equal monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the registrar is paid; *and provided, further*, that where the registrar is allowed fees the same shall be allowed on claims duly verified, presented and allowed by the board of supervisors.

In addition to the salaries in this section provided where in any case the county clerk is now allowed fees or compensation or deputies or assistants for the registration of voters, or in the administration of laws relating to elections, such fees, compensation, deputies and assistants shall continue to be received or employed by the registrar of voters, and the right of the county clerk in such case to receive or employ the same shall thereupon cease, except where otherwise provided by law.

Registrar
to succeed
to certain
allowance.

SEC. 2. A new section is hereby added to the Political Code of California, to be known and numbered as section 4149f and to read as follows:

4149f. All the powers now or hereafter conferred and the duties now or hereafter imposed by law upon county clerks in relation to the conduct, management and control of the registration of voters and in relation to elections, shall be exercised and performed exclusively by such registrar of voters unless otherwise provided by law; and all certificates of nomination, nomination papers or election papers required by law to be filed with, or presented to, the county clerk shall be filed with, or presented to, the registrar of voters, and the deputies or clerks in the office of the registrar of voters, acting under the orders of the registrar of voters, or the election commission, shall have all the powers heretofore exercised by the deputies of the county clerk in matters relating to registration and elections; *provided, however*, that until the actual exercise of the duties of the office of registrar, under appointment or consolidation, the county clerk shall continue to perform the duties now imposed on him by law with reference to registration and election.

Registrar
to succeed
to certain
powers.

CHAPTER 49.

An act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

[Approved January 10, 1912.]

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

SECTION 1. Section four thousand and thirteen of the Political Code of California, is hereby amended to read as follows:

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. A registrar of voters;
18. A sealer of weights and measures;
19. Such other officers as may be provided by law.

CHAPTER 50.

An act to amend section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

[Approved January 10, 1912.]

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

SECTION 1. Section 4232 of the Political Code of California is hereby amended to read as follows:

Salaries in
counties of
third class.

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:

County
clerk.

1. The county clerk, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy, whose

salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one judgment clerk, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one assistant judgment clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; six court room deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one index clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one document clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk to the board of supervisors, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one deputy, who shall also act as court room clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; four deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; four copyists, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and two stenographers, whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; all the foregoing deputies, clerks, copyists and stenographers, herein provided for, shall be appointed by the clerk of said county, and their salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk.

2. The sheriff, four thousand dollars per annum; *provided*,^{Sheriff.} that in counties of this class there shall be, and there hereby is, allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one deputy, who shall be bookkeeper for the sheriff's office, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one deputy, who shall be assistant bookkeeper for the sheriff's office, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one deputy for office, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two deputies, who shall be detectives for the sheriff, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; two deputies, who shall be transportation men, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; six deputies, who shall be bailiffs, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one deputy, who shall also act as bailiff, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one deputy, who shall be chief jailer, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two deputies, who shall be assistant jailers, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; six deputies, who shall be turnkeys at the jail, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one matron for the jail, whose salary is hereby fixed at the sum of nine hundred dollars per

annum; one engineer for the jail, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one assistant engineer for the jail, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; *provided, further*, that the under-sheriff, all deputies, bookkeepers, office deputy, detectives, transportation men, bailiffs, stenographer, chief jailer, assistant jailers, turnkeys, matron for the jail, engineer and assistant engineer herein provided for shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices, and all expenses necessarily incurred by him in the pursuit of criminals, and the same shall be a charge against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid.

Recorder.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries and compensations as follows: One chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; three deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each, and five deputies whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; two deputies, who shall be comparers, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; two deputies, who shall be comparers, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; *provided, further*, that the salary of the chief deputy, and the salaries of the deputies and comparers herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided, further*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents and records in his office at the rate of six and three fourths 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 amount paid to each for such recording.

Auditor.

4. The auditor, thirty-six hundred 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 salary is hereby fixed at the sum of twenty-four 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; one 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; two 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 each; 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 assistants as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of two thousand dollars per annum; and *provided*, that the auditor shall file with the county clerk a verified statement showing in detail the amounts paid, and the person 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, four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the treasurer one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one deputy, whose salary is hereby fixed at the sum of twenty-one hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each, which sums shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the treasurer; *provided*, that the chief deputy and the three deputies herein provided for shall be appointed by the treasurer of said county.

Treasurer.

6. The tax collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one cashier, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two assistant cashiers, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one chief clerk, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two correspondence clerks, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one bookkeeper, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one state lands clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided, further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed five months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed four months in any one year, at

Tax collector.

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

License
collector.

Assessor.

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

8. The assessor, seven 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, whose salary is hereby fixed at the sum of three thousand dollars per annum; one head deputy assessor, city department, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one head deputy assessor, country department, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one record deputy assessor, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one mortgage deputy assessor, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one transfer deputy assessor, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one cashier, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one book-keeper, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; four outside field deputies, for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and fifty dollars per month each; three outside field deputies, for a period not to exceed six months in any one year, whose salaries are hereby

fixed at the sum of one hundred and twenty-five dollars per month each; six field deputies, for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred dollars per month each; two building inspectors, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; six building inspectors, for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and twenty-five dollars per month each; five extra deputies, for a period not to exceed six months in any one year, at a salary of one hundred dollars per month each; ten copyists, for a period not to exceed six months in any one year, at a salary of one hundred dollars per month each; two stenographers, whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; and such additional deputies 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 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; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class to prepare maps, plats, or block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats, or block books, or assessment rolls for the use of any municipality, but shall only receive the actual cost by him incurred in making or preparing said maps, plats or block books; *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, and he shall account forthwith and pay over to the county any difference between such costs and the amount allowed him for such work; *and provided, further*, that the salaries herein named shall be in full compensation for all services of every kind and description rendered by the assessor, his deputies and assistants; and it is further provided that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section 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.

District
attorney.

9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney the following assistant, deputies and employees, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, whose salary is hereby fixed at the sum of two hundred and seventy-five dollars per month; one chief deputy district attorney, whose salary is hereby fixed at the sum of two hundred and fifty dollars per month; two deputy district attorneys, whose salaries are hereby fixed at the sum of two hundred and twenty-five dollars per month each: two deputy district attorneys, whose salaries are hereby fixed at the sum of two hundred dollars per month each; two deputy district attorneys, whose salaries are hereby fixed at the sum of one hundred and seventy-five dollars per month each; two deputy district attorneys, whose salaries are hereby fixed at the sum of two hundred dollars per month each, whose duty it shall be, in addition to performing services as deputy district attorneys, to attend the sessions of the police courts in cities of the second class, and conduct, on behalf of the people, all prosecutions for public offenses of which said police courts shall have jurisdiction; one clerk, whose salary is hereby fixed at the sum of one hundred and twenty-five dollars per month; one process server, whose salary is hereby fixed at the sum of one hundred dollars per month; three stenographers, whose salaries are hereby fixed at the sum of seventy-five dollars per month each; one detective, who shall assist the district attorney in the detection of crime and prosecution of criminal cases, whose salary is hereby fixed at the sum of one hundred and seventy-five dollars per month; *and provided*, *further*, that nothing herein contained shall be construed to prevent the boards of supervisors of counties of this class from employing special counsel when in the judgment of said boards the interests of said county require it. The salaries of said assistants, deputies, clerk, detective, process server, stenographers and special counsel in this subdivision provided for shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Coroner.

10. The coroner, four thousand dollars per annum; and his actual and necessary expenses in traveling outside the county seat, which shall be in full compensation for all services rendered by him; *provided, further*, that in counties of this class there shall be and there is hereby allowed to the coroner one deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and one stenographer, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum, and who shall be paid, in addition thereto, for transcribing all the testimony and proceedings taken by him at any inquest the sum of fifteen cents per one hundred words for one copy, and ten cents per one hundred words for two copies made at one time; and in every case where the death of

any person shall have been caused by the criminal act of another, such stenographer shall make a copy of transcript of the testimony and proceedings taken at such inquest for the use of the district attorney of such county; in all inquests so reported the fees for transcribing, as provided herein, shall be paid out of the county treasury upon the order of the coroner. When such testimony is taken down by such stenographer, as herein set forth, his transcription thereof duly certified by him shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer. The deputy and stenographer herein provided for shall be appointed by the coroner and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of county officers in counties of this class. The coroner must hold inquests as prescribed by chapter two, title twelve, part two of the Penal Code, and he, or any other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body or hold a post-mortem examination of the body of the deceased and give a professional opinion as to the cause of death of such deceased, or he may subpoena a physician and surgeon and chemist for the purposes aforesaid.

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

Public
admin-
istrator.

12. The superintendent of schools, four thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the superintendent of schools, one assistant superintendent of schools, one chief deputy superintendent of schools and one deputy superintendent of schools, all of whom shall be appointed by the superintendent of schools of said county, and whose salaries shall be as follows: The salary of the assistant superintendent of schools shall be two hundred dollars per month; the salary of the chief deputy superintendent of schools shall be one hundred and fifty dollars per month; and that of the deputy superintendent of schools shall be one hundred and twenty-five dollars per month. The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Superin-
tendent of
schools.

13. The surveyor shall receive a salary of four thousand dollars per annum and may appoint one deputy, which office is hereby created, at a salary of two thousand seven hundred dollars per annum, the salary of such surveyor and such deputy shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same funds as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law or by order of the board of supervisors of such county shall be performed by said surveyor at actual cost; *provided*, however, that on all such work, other than block book work

Surveyor.

hereafter provided for, transit men and office men, when actually engaged on such county work, shall receive a per diem of not to exceed six dollars, and chainmen when actually engaged on such county work, shall receive a per diem of not to exceed three dollars; *and provided, further*, that whenever the surveyor is charged or directed to make, plat, trace, or otherwise to prepare maps, plat, or block books for the use of a county, city and county, or any municipality within such county, the surveyor may employ one chief draughtsman on such block book work who shall receive a per diem of not to exceed six dollars, and all other employees on such block book work at a per diem not to exceed four dollars; *and provided, further*, that the surveyor shall be allowed all necessary expenses for work performed for the county by virtue of his office and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing therein the time or nature of work performed, the dates, amount paid to assistants, and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatsoever kind or nature for services performed by said surveyor for said county; *provided, however*, that the board of supervisors of such county shall have no power to direct the making, platting, tracing or otherwise preparing block books for the county except such as may be necessary to be so prepared to replace such as are worn out by usage or as shall be necessary to be made because of the subdivision of tracts of land contained in such block books.

Justices of
the peace.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month and in the manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than fifty thousand, two hundred and twenty-five dollars; in townships having a population of twenty-five thousand and less than fifty thousand, two hundred dollars; in townships having a population of fifteen thousand and less than twenty-five thousand, one hundred and fifty dollars; in townships having a population of less than fifteen thousand, seventy-five dollars. In addition to the compensation received in criminal cases, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. Each justice of the peace must keep a book open for the inspection of the public during office hours in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury or city treasury, as provided by law.

For the purpose of this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

15. Constables shall receive the following monthly salaries, Constables. to be paid each month and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than fifty thousand, one hundred and fifty dollars; in townships having a population of fifteen thousand and less than fifty thousand, one hundred and twenty-five dollars; in townships having a population of less than fifteen thousand, eighty-five dollars. In addition to the compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such 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.

For the purpose of this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year 'A. D. 1910.

16. Each supervisor, two hundred and twenty-five dollars Supervisors. per month; *provided, however*, that no mileage of whatever kind or nature shall be charged against the county.

17. The fees of grand jurors and trial jurors in the superior Grand and
trial jurors. courts of counties of the third class, in civil and criminal cases, shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only.

18. The registrar of voters, three thousand dollars per Registrar
of voters. annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the registrar of voters one deputy, whose salary is hereby fixed at eighteen hundred dollars per annum; *provided, further*, that in such years as the compilation of a great register of voters is required by law to be made, the registrar of voters, in counties of this class, shall be, and he is hereby, allowed the following additional help: ten clerks, for a period of, and not exceeding, six months, whose salaries are hereby fixed at one hundred dollars per month each; ten clerks, for a period of, and not exceeding, three months, whose salaries are hereby fixed at one hundred dollars per month each; *and provided, further*, that when special state or county elections are held the registrar of voters, in counties of this class, shall be, and he is hereby, allowed the following additional help: ten clerks, for a period of, and not exceeding, one month, preceding such election, whose salaries are hereby fixed at one hundred dollars per month each; *and provided, further*, that if no help is allowed to the registrar

of voters under the direct primary law, the registrar of voters, in counties of this class, in such years as a general state direct primary election is held, shall be, and he is hereby, allowed the following additional help: ten clerks, for a period of, and not exceeding, two months immediately next preceding the direct primary election day, whose salaries are hereby fixed at one hundred dollars per month each; such deputy and such clerks shall be appointed by the registrar of voters of said county, and during their respective periods of employment, their salaries shall be paid by such county in equal monthly installments, at the same time and in the same manner, and out of the same fund as is the salary of the registrar of voters of such county.

CHAPTER 51.

An act to amend section 4017 of the Political Code, with reference to the consolidation of county offices.

[Approved January 10, 1912.]

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

SECTION 1. Section 4017 of the Political Code is hereby amended to read as follows:

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 4013 are hereby consolidated as follows; sheriff and tax collector, auditor and recorder; county clerk; auditor, recorder and registrar of voters; county clerk, recorder and registrar of voters; county clerk, auditor and registrar of voters; county clerk and registrar of voters; treasurer and tax collector; assessor and tax collector; public administrator and coroner. Whenever any elective and an appointive office shall be consolidated, and the elective office shall at that time have an incumbent, such incumbent shall continue to perform the duties of such consolidated offices during the remainder of the term for which he was elected or appointed, and such consolidated offices shall thereafter be filled by election at the time and for the purpose for which other county officers are elected. If more than one elective office shall be consolidated, and such offices shall then have incumbents, such consolidation shall become effective at the expiration of the term for which such incumbents were elected or appointed.

Consolidation of offices, possible combinations.

Performance of duties by incumbents in case of consolidation.

CHAPTER 52.

An act to amend section 4020 of the Political Code of California, relating to consolidation of county offices.

[Approved January 10, 1912.]

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

SECTION 1. Section 4020 of the Political Code is hereby amended to read as follows:

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 or an appointment in the manner provided by law.

Offices not consolidated must be filled.

CHAPTER 53.

An act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the industrial accident board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

[Approved January 10, 1912.]

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

SECTION 1. Every employer of labor in this state shall keep a full, true and correct record of every personal injury suffered by his or its employees, arising out of or in the course of the employment, and resulting in death, or in disability extending over a period of a week or more. Within fifteen days after the happening of any such personal injury, a written report thereof shall be mailed by the employer to the industrial accident board informally, or on blanks to be provided by said board for this purpose. The said report shall contain the name of the employer, location of place of employment, nature of employment, name, address, age, nationality, sex and occupation of the injured person, length of time the injured person had worked at the particular employment previous to injury, date and hour of the day or night of the accident, the hour at which the injured employee began work on the date of the accident, nature of the injury, cause of the injury and rate of wages of the injured employee.

Record of personal injury to employees.

Report of employer to industrial accident board.

Supple-
mental
report.

SEC. 2. Upon the termination of the disability of the injured employee or at the expiration of sixty days from the date of the accident, if the disability should extend beyond such period, the employer shall mail to the industrial accident board a supplemental report in relation to such disability, informally or on blanks to be provided by said board for this purpose. Such report must contain complete statements as to any claim made by the injured employee for indemnification for the injury sustained, payment made to him or in his behalf for medical, surgical or other care, claim for compensation or damages made for such injuries and any compromise or settlement of claim for compensation or damages entered into between the employer and such injured employee, his heirs, dependents or legal representative. In the event that any payment shall be made to such injured employee, or his dependents at any time thereafter, in compromise or settlement of a claim for compensation or damages, the amount of such payment shall be forthwith reported by the employer to the industrial accident board.

Details of
claim,
payment, or
settlement.

Report of
attending
physician.

SEC. 3. Every physician who attends any such injured employee shall keep a record of his case. Within ten days from the date of his first attendance upon the injured employee, he shall mail to the industrial accident board a report, informally or on blanks to be provided by the said board for this purpose. The said report shall contain the name and address of the employer, name, address, sex and age of the injured employee, date of accident, description of the injury, probable nature and extent of disability. Upon the termination of the disability of the injured employee or the termination of said physician's attendance upon his case, he shall forthwith mail to the industrial accident board a supplemental report in relation to such case describing the physical condition of the injured employee, his disability, convalescence or discharge from the doctor's care.

Report of
insurance
or indemnity
companies.

SEC. 4. Every person, firm, association or corporation insuring against the liability of employers for damages or compensation for personal injury to employees or indemnifying any employer for, or on account of any such liability shall keep a record thereof, and shall within the first five days of each and every month, report in writing to the industrial accident board, informally or on blanks to be provided by said board for this purpose, every such injury to employees reported to it, every claim for damages or compensation for such injury filed with such person, firm, association or corporation and any settlement or compromise of any such claim for damages or compensation whether made with such injured employee, his heirs, dependents or legal representative.

Additional
information.

SEC. 5. Every employer, physician or insurance company, firm or association, shall furnish to the industrial accident board all further information required by it in order to constitute a substantially complete and accurate history of each injury and the damages or compensation paid therefor.

SEC. 6. The record required to be kept in pursuance of the provisions of this act shall at all times be open to inspection of the industrial accident board or any member thereof, or any examiner appointed thereby. Any statement contained in such report shall not be admissible as evidence in any action arising out of the death or injury of any employee by reason of the accident reported.

Use of reports or reports.

SEC. 7. It shall be unlawful for any person, firm, corporation, agent or officer of a firm or corporation to fail, neglect or refuse to comply with any of the provisions of this act. Any person, firm, corporation, agent or officer of a firm or corporation that violates or omits to comply with any of the provisions of this act, shall be guilty of a misdemeanor for each and every offense and shall be, upon conviction thereof, punishable by fine of not less than ten dollars or more than one hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Punalty for failure to observe law.

SEC. 8. Nothing in this act shall apply to employers of labor engaged in farming, dairying, agricultural or horticultural pursuits, in poultry raising or domestic service.

Not to apply to certain pur. acts.

CHAPTER 54.

An act to amend section 1094 of the Political Code of the State of California, relating to the registration of voters.

[Approved January 12, 1912.]

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

SECTION 1. Section 1094 of the Political Code of the State of California is hereby amended to read as follows:

1094. There shall be, in each even-numbered year, to continue for two years, except as hereinafter provided, in each county and city and county of the state, a new and complete registration of the voters of such county or city and county, who are entitled thereto. Such registration shall begin on the first day of January of such years, and shall be in progress at all times except during the thirty days immediately preceding any election, when it shall cease for such election as to electors residing in the territory within which such election is to be held; and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer; *provided*, that where any general or special municipal election, or any other special election, is held between the first day in January and the closing of registration for the November general election of the year in which such new registration is had, the original affidavits of registra-

Registration to begin with each even-numbered year.

Use of original affidavits at certain elections.

Registration by precincts or other manner convenient to voters.

City and county where registration exceeded eighty-five thousand at last presidential election.

Affidavit of transfer of registration in such city and county.

tion and indexes used in the last general state election in any county or city and county in this state may be used, together with the original affidavit of registration since the last election, and supplemental indexes, showing all additional registration, changes and corrections made since the registration for the last general election, completed to and including the thirtieth day prior to said general or special municipal election or other special election, which shall be the last day on which any person may register or transfer registration so as to entitle said person to a vote at such election. The board having charge and control of elections in each county or city and county may provide by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters and may also provide by resolution for the registration of voters at specified times and places, other than the office of the county clerk or registrar of voters deemed most convenient to large numbers of voters, without reference to respective or particular precincts, in such a manner that the affidavits of registration as provided by law may be taken at such time and place, of any voter within the county who is entitled to register therein; *provided, however*, that in any city and county where the registration at the last preceding presidential election exceeded eighty-five thousand no registration outside of the main office of the officer charged with the registration of voters shall be had except that which is without reference to particular precincts as last specified herein; *and provided, further*, that in any such city and county such registration without regard to particular precincts outside of the main office of the officer charged with the registration of voters, must be had in at least one place in each assembly district in such city and county for a period of fifteen days, exclusive of Sundays, next immediately preceding the close of registration for the September primary election provided for by state law, and said registration places shall be and remain open at least from two o'clock to nine o'clock P. M. for the first six days of such registration and for the remaining nine days thereof from ten o'clock A. M. to ten o'clock P. M. of each of said days; *provided, further*, that any registration which may be made at the main office for registration in any such city and county may be made in any of the places provided for registration in the assembly districts therein; *and provided, further*, that such other places of general registration, in addition to and other than those above specified, shall be provided in any such city and county as may be necessary for the proper and full registration of the voters thereof and such places of registration shall be provided at such times, for such length of time, and in such places as the board having control of registration in any such city and county may provide. Affidavits of registration to be used for the purpose of transferring the registration from one precinct to another in any such city and county, shall have printed upon the margin thereof the following words and matter: "Transfer of registration from last former precinct in this city and

county. Such last former registration gave my residence at (inserting the place of residence stated in such last former precinct registration in said city and county), and the person so making an affidavit for the purpose of transferring his precinct registration, shall be required as a part of such affidavit to state the place of residence so given by him in such last former registration in said city and county, and if such last former registration of such person from the residence so specified is not found at the main office of registration, then and in that event, if such last affidavit of registration for the purpose of transfer was not made at such main office such voter may be cited by the officer or board charged with the registration of voters, by written or printed notice mailed in a sealed envelope, with proper postage thereon, addressed to the last place of residence of such person, as given in said affidavit of registration for the purpose of transfer, citing such person to appear at the main office of registration, not later than ten days from the time of mailing such citation (specifying the last day for such appearance), to correct or correctly state his last former place of residence in said city and county at the date of his last prior registration, and that unless he or she so appear and make such statement in such manner that his or her said last former precinct registration before the making of said affidavit for the purpose of said transfer, may be found that his or her said affidavit and application for such transfer of registration will be canceled. Unless such person shall appear at such main office according to the requirements of such citation and make such statement as will enable his or her said last former place of residence and precinct registration, prior to said affidavit and application for transfer of registration in such city and county, to be found, his or her said last affidavit and application for transfer of registration shall be canceled. Upon the written request of the officer charged with the registration of voters, every landlord or keeper of premises where lodgers abide, shall furnish said officer a list of all lodgers occupying rooms or sleeping apartments or beds in the premises under his, or her or its control. Such lists shall be furnished upon blanks provided by said officer. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section, or who furnishes a false list of such lodgers shall be guilty of a misdemeanor. Any voter registered in premises in which the landlord or keeper neglects or refuses to comply with this section, or who is found registered as residing in such premises, and whose name is not returned in any list furnished by said landlord or keeper, under this section, may be cited to appear before the election commissioners within five days, in order to verify his right to vote. It shall be considered as a proper citation to such voter, if the citation is addressed to the name of the party registered, the number of room (if any room be named in his affidavit of registration) and place of

Transfers of registration in city and county where registration exceeds eighty-five thousand at last presidential election.

Duty of landlord to furnish list of lodgers.

Citation to voter not listed.

registration; and if the party cited does not appear in answer to the citation at the time appointed, his name may be stricken from the register of voters, or may be placed upon a special challenge list to be sent to the inspector of election in the precinct with directions to challenge the vote of such person if offered at the election, under subdivision 5 of section 1230 of the Political Code. Such citation may be served by mailing the same addressed as required in a sealed envelope with proper postage prepaid thereon, and the five days above mentioned shall begin to run two days after the deposit of said envelope in the mail. The landlord or keeper of premises from which the voter is registered shall also be cited to appear at the same time and place, at which the citation of his alleged lodger is returnable, and such citation shall be served in the same manner as above provided for the citation to the voter.

Citation to
landlord of
voter not
listed.

CHAPTER 55.

An act to amend section 1115 of the Political Code, relating to the printing of copies of the index to registrations.

[Approved January 12, 1912.]

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

SECTION 1. Section 1115 of the Political Code of the State of California is hereby amended to read as follows:

1115. Within five days after the binding of said books the clerk shall prepare an index of each book, said index to contain the numbers, names (including Christian or given names, and middle name or initial, if any), sexes, occupations, addresses, and political affiliations as they appear in said books, and shall have at least one hundred copies of said index printed for the use of said county, and he shall have printed and shall furnish to the municipalities within said county such additional number of copies thereof (not exceeding fifty) as the governing body of such municipalities shall by resolution require. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The clerk shall have bound together in one or more volumes, a general index of said books, arranged alphabetically by precinct, and shall keep at least one copy of said general index in his office for public reference.

Index to
book of
registrations.

Number of
copies
printed.

General
index.

CHAPTER 56.

An act to amend section eight of an act entitled "An act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an act entitled 'An act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard,' approved March 22, 1905, and the act amendatory thereof, approved April 15, 1909," approved May 1, 1911; said amendments relating to elections.

[Approved January 12, 1912.]

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

SECTION 1. Section eight of an act entitled, "An act to provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an act entitled 'An act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard.' approved March 22, 1905, and the act amendatory thereof, approved April 15, 1909," approved May 1, 1911, is hereby amended to read as follows: Boulevard districts.

Section 8. There shall be an election for two members of the boulevard board in every even-numbered year, beginning with the first even-numbered year after the election at which the said district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even-numbered year; and there shall be an election for one member of the boulevard commission in every odd-numbered year beginning with the first odd-numbered year after the election at which the district was Annual elections.

organized, and the member then to be elected shall hold office until the election and qualification of his successor in the next odd-numbered year. The three members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves by lot, that two of them shall go out of office in the first even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act. The members of the boulevard commission shall receive no compensation whatever, either for general or for special services. All elections for officers after the formation of the district shall be held on the first Monday after the first Tuesday in the month of March. Not less than twenty days before the day of such election the boulevard commission must give notice of said election by posting notice thereof in three public places in the boulevard district, which notice must specify the time and place of elections, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select two polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the requirements of said laws as to the form of ballots and the making of the nominations of candidates, shall not apply. Every qualified elector resident within the district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote. The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within twenty-four hours after the closing of the polls to the boulevard commission. Said commission shall within five days after the day of election canvass said returns and shall make, sign and deliver certificates of election to the person or persons elected.

Classification of commissioners elected at organization.

Conduct of annual elections.

Qualification for voting.

Canvass of votes and returns.

CHAPTER 57.

An act to amend section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

[Approved January 12, 1912.]

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

SECTION 1. Section 4234 of the Political Code of the State of California is hereby amended to read as follows:

4234. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit: Salaries in counties of fifth class.

1. The county clerk, twenty-four hundred dollars per annum; he shall have two deputies at a salary of eighteen hundred dollars each per annum and six deputies at a salary of twelve hundred dollars each per annum. He shall have a registration clerk at a salary of fifteen hundred dollars per annum; and shall also have two copyists for a period of not to exceed ten months during each and every even numbered year, such additional copyists to receive a salary of eighty dollars per month during their said employment. County clerk.

2. The sheriff, six thousand dollars per annum and all fees for the services of processes issued without his county. He shall have an under-sheriff, whose annual salary shall be eighteen hundred dollars per annum; two field deputies whose salaries shall be fifteen hundred dollars each per annum; and four deputies whose salaries shall be twelve hundred dollars each per annum. He shall also have for use in his office and under his supervision and control one stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the sheriff in the same manner as deputies are appointed by him, and said stenographer is to be at all times as to his duties under the supervision and control of the sheriff in the same manner as deputies of such sheriff are under his supervision and control, which said stenographer shall receive a salary of twelve hundred dollars per annum. He shall also have for use in his office and under his supervision and control a jailer, which office of jailer is hereby, by the terms of this act, expressly created. The said position of jailer to be filled by the sheriff in the same manner as deputies are appointed by him and said jailer is to be at all times as to his duties under the supervision and control of the sheriff in the same manner as deputies of such sheriff are under his supervision and control, which said jailer shall receive a salary of twelve hundred dollars per annum. He shall pay into the county treasury all sums received by him for services of processes issued within his county. Sheriff.

Recorder.

3. The recorder, twenty-one hundred dollars per annum. He shall have two deputies whose annual salary shall be fifteen hundred dollars, and two deputies whose annual salary shall be twelve hundred dollars each per annum. He shall have for use in his office and under his supervision and control a statistician for compiling the vital statistics of the county, which office of statistician is hereby, by the terms of this act, expressly created. The said position of statistician to be filled by the recorder in the same manner as deputies are appointed by him, and said statistician is to be at all times as to his duties under the supervision and control of the recorder in the same manner as deputies of such recorder are under his supervision and control, which said statistician is to receive a salary of twelve hundred dollars per annum. He shall have for use in his office and under his supervision and control an abstract clerk, which office of abstract clerk is hereby, by the terms of this act, expressly created. The said position of abstract clerk to be filled by the recorder in the same manner as deputies are appointed by him and said abstract clerk is to be at all times as to his duties under the supervision and control of the recorder in the same manner as deputies of such recorder are under his supervision and control, which said abstract clerk is to receive a salary of fifteen hundred dollars per annum. He shall have such copyists as are necessary to perform the duties of the office at a compensation of six cents per folio.

Auditor.

4. The auditor, twenty-one hundred dollars per annum, and one deputy at an annual salary of eighteen hundred dollars, and one deputy at an annual salary of twelve hundred dollars. He shall have for use in his office and under his supervision and control a redemption clerk, which office of redemption clerk is hereby, by the terms of this act, expressly created. The said position of redemption clerk to be filled by the auditor in the same manner as deputies are appointed by him and said redemption clerk is to be at all times as to his duties under the supervision and control of the auditor in the same manner as deputies of such auditor are under his supervision and control, which said redemption clerk is to receive a salary of twelve hundred dollars per annum. He may also employ two additional deputies for a period of two months during each year, such additional deputies to receive a salary of one hundred dollars per month during their said employment.

Treasurer.

5. The treasurer, two thousand five hundred 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.

Tax collector.

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. He shall have for use in his office and under his supervision and control a bookkeeper, which office of bookkeeper is hereby, by the terms of this act, expressly

created. The said position of bookkeeper to be filled by the tax collector in the same manner as deputies are appointed by him and said bookkeeper to be at all times as to his duties under the supervision and control of the tax collector in the same manner as the deputies of such tax collector are under his supervision and control, which said bookkeeper is to receive a salary of twelve hundred dollars per annum. He shall have for use in his office and under his supervision and control a stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the tax collector in the same manner as deputies are appointed by him, and said stenographer to be at all times as to his duties under the supervision and control of the tax collector in the same manner as deputies of such tax collector are under his supervision and control, which said stenographer is to receive a salary of nine hundred dollars per annum. He shall 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 eighteen hundred dollars. He shall have for use in his office and under his supervision and control a draftsman, which office of draftsman is hereby, by the terms of this act, expressly created, and whose duty it shall be to, under the supervision and control of the assessor, prepare for use in said office proper books, blanks, maps, and plat books; said position of draftsman to be filled by the assessor in the same manner as deputies are appointed by him, and said draftsman is to be at all times as to his duties under the supervision and control of said assessor, the same as deputies of such assessor are under his supervision and control, which said draftsman shall receive a salary of twelve hundred dollars per annum; and he shall have not exceeding twenty-two deputies for three months in each year, whose per diem shall be four dollars each when actually employed, and six deputies for six months at a per diem of four dollars when actually employed. He shall have four copyists and one stenographer for a period of six months each at seventy-five 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. In counties of this class grand and trial jurors shall receive three dollars per day while engaged in the performance of the duties required of them, and in addition thereto shall receive the mileage now allowed by law.

9. The district attorney, three thousand dollars per annum. He shall have one deputy at a salary of twenty-one hundred dollars per annum, and one deputy at a salary of fifteen hundred dollars per annum. He shall also have a detective at a

salary of one hundred and ten dollars per month. He shall have for use in his office and under his supervision and control a stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the district attorney in the same manner as deputies are appointed by him and said stenographer to be at all times, as to his duties, under the supervision and control of the district attorney in the same manner as deputies of such district attorney are under his supervision and control. Said stenographer shall receive a salary of nine hundred dollars per annum and shall receive no other compensation by reason of services rendered as a stenographic reporter in any action or proceeding wherein the fees or per diem of a stenographic reporter constitute a charge against the county.

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

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

Superintendent of schools. 12. The superintendent of schools, twenty-four hundred dollars per annum. He shall have one deputy at an annual salary of fifteen hundred dollars per annum. He shall have for use in his office and under his supervision and control one assistant superintendent, which office of assistant superintendent is hereby, by the terms of this act, expressly provided. The said position of assistant superintendent to be filled by the superintendent of schools in the same manner as deputies are appointed and said assistant superintendent of schools to be at all times as to his duties under the supervision and control of the superintendent of schools, which said assistant superintendent is to receive a salary of twelve hundred dollars per annum. The superintendent shall be allowed actual traveling expenses when visiting the schools in his county.

Surveyor. 13. The surveyor, two thousand dollars per annum in full compensation for all services as county surveyor, as road viewer or inspector and his actual expenses when at work in the field. He shall have one deputy at an annual salary of fifteen hundred dollars per annum.

Population of judicial townships. 14. 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 first, nineteen hundred and eleven. 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.....	375
Judicial Township No. 2.....	1064
Judicial Township No. 3.....	6807
Judicial Township No. 4.....	1183
Judicial Township No. 5.....	3360
Judicial Township No. 6.....	3360
Judicial Township No. 7.....	850

Judicial Township No. 8.....	660
Judicial Township No. 9.....	474
Judicial Township No. 10.....	407
Judicial Township No. 11.....	476
Judicial Township No. 12.....	215
Judicial Township No. 13.....	533
Judicial Township No. 14.....	315

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.

14a. For the purpose of regulating the compensation of the constables and justices of peace, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county. Townships having a registered voting population of 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 four 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 four 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.

Townships
classified.

14b. 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:

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 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.

15. 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:

Constables.

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.

Supervisors.

16. The supervisors shall receive each the sum of eighteen hundred dollars per annum, payable monthly in installments of one hundred and fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

Salaries,
when
payable.

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

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

CHAPTER 58.

An act to add a new section to the Political Code of the State of California to be numbered 1095a, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

[Approved January 22, 1912.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered 1095a and to read as follows:

Original and
duplicates
affidavits.

1095a. The clerk, or other person charged with the registration of voters, must provide blank forms for the affidavits of registration, which forms shall be bound together in books or pads of one hundred sheets each, and consist of originals and duplicates. Each original shall be attached to a stub by a perforated line, and each original and duplicate shall bear a distinctive number, which shall be in addition to the regis-

tration number of the voter. Said number shall appear on the original and duplicate sheet, and also on the stub to which they are attached, and the numbering shall begin with 1 and continue in a sequence until all of the blanks provided shall be numbered. The numbering shall begin anew with each new registration. The stubs shall contain a line for the name, and spaces for the address and precinct of the person registered. Each deputy clerk, deputy registrar, or registration clerk shall receipt to the clerk or registrar for all books or pads issued to him, specifying the numbers of the affidavits received by him, and he shall be charged with the same until he returns and files the same. When an elector is registered, his name, address, and precinct shall be noted on the stub attached to the original, and if for any cause the affidavit is spoiled in the course of making it out, or a mistake therein is made, the same must not be removed from the pad, or book, but the name of the elector for whom it was intended, with his address and precinct must be entered on the stub, as in other cases, and the stubs and affidavits each marked with the word "Spoiled" in red ink. When the registration for any election is closed, all deputies or registration clerks must, immediately thereafter, return all affidavits of registration, and all books or pads in their possession containing stubs, spoiled, or unused affidavit blanks; and within ten days after the close of such registration the clerk, or registrar of voters must report to the district attorney of the county, or city and county, under oath, the names of his deputies, if any, who have not complied with the provisions of this section; and it shall be the duty of the district attorney to forthwith begin a criminal prosecution against such deputies or registration clerks as shall not have complied with the provisions of this section. Any deputy, or person having charge of affidavits of registration, who shall wilfully, or by gross carelessness, neglect, fail, or refuse to comply with the provisions of this section, shall be guilty of a misdemeanor.

Deputies, to be charged with blanks.

Spoiled affidavits

Accounting for blanks at close of registration.

CHAPTER 59.

An act to amend section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

[Approved January 22, 1912.]

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

SECTION 1. Section 4230 of the Political Code is hereby amended to read as follows:

4230. In counties of the first class the county and township officers shall receive as compensation for the services required

Salaries of officers, counties of first class.

of them by law or by virtue of their office the following salaries, to wit:

County clerk.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks, deputies and employees who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier and bookkeeper at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the probate department at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the registration department at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and twenty-five dollars per month; four deputies who shall be assistants to the registration clerk at a salary of one hundred and ten dollars per month; one deputy who shall be clerk of the board of supervisors, at a salary of one hundred and fifty dollars per month; fourteen deputies who shall be court room clerks at salaries of one hundred and twenty-five dollars each per month; one deputy who shall be judgment clerk at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant judgment clerk at a salary of ninety dollars per month; one deputy who shall be a file clerk at a salary of one hundred and ten dollars per month; one deputy who shall be an index clerk at a salary of one hundred and ten dollars per month; one deputy who shall be in charge of the criminal records at a salary of one hundred and ten dollars per month; one deputy who shall be recording minute clerk for probate orders at a salary of one hundred and fifty dollars per month; one deputy who shall be a recording clerk for probate orders at a salary of one hundred and fifteen dollars per month; one deputy who shall be an assistant clerk of the board of supervisors at a salary of one hundred and ten dollars per month; one deputy who shall be a stenographer at a salary of one hundred dollars per month; one deputy who shall be a stenographer for the board of supervisors at a salary of one hundred dollars per month; two deputies who shall be miscellaneous department clerks at a salary of one hundred and twenty-five dollars each per month; six deputies at a salary of one hundred dollars each per month; one telephone operator at a salary of seventy-five dollars per month; one messenger at a salary of sixty dollars per month; one deputy at a salary of twenty-five dollars per month; twelve deputies for a period not to exceed one month in any one year at a salary of eighty dollars per month each; *provided, further*, that in such years as the compilation of the great register of voters is required by law to be made,

the county clerk in counties of this class shall 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 two additional deputies in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid five cents per name for each elector legally registered by them. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand dollars per annum; *provided*, Sheriff, that in counties of this class there shall be and there hereby is allowed to the sheriff an under-sheriff and the following deputies, stenographers, and employees, who shall be appointed by the sheriff of said county and shall be paid salaries as follows, to wit: One under-sheriff, at a salary of two hundred dollars per month; one deputy, who shall be bookkeeper, at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistant bookkeepers, at a salary of one hundred and ten dollars each per month; one deputy, who shall be the return clerk, at a salary of one hundred dollars per month; one deputy, who shall be foreclosure clerk, at a salary of one hundred and twenty-five dollars per month; three deputies, at a salary of one hundred and thirty-five dollars each per month; one cook at the county jail, at a salary of seventy dollars per month; twenty-nine deputies at a salary of one hundred dollars each per month; six deputies, who shall be turnkeys at the county jail, at a salary of one hundred dollars each per month; two deputies, who shall be bookkeepers at the county jail, at a salary of one hundred dollars each per month; one deputy, who shall be head jailer at the county jail, at a salary of one hundred and fifteen dollars per month; one matron of the county jail at a salary of seventy-five dollars per month; two stenographers at a salary of seventy-five dollars each per month; one deputy, who shall be a chauffeur and machinist, at a salary of one hundred and twenty-five dollars per month. The salaries of the under-sheriff, matron, cook, and all deputies, stenographers, and chauffeur herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand six hundred dollars per annum; *provided*, Recorder, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies

and copyists, who shall be appointed by the recorder of said county, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred and fifty dollars each per month; seven deputies at a salary of one hundred and fifteen dollars each per month; one deputy at a salary of one hundred and ten dollars per month; one deputy at a salary of one hundred and five dollars per month; nineteen deputies at a salary of one hundred dollars each per month; one deputy at a salary of seventy-five dollars per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio, for recording any instrument or notice, except maps or plats; for copies of any paper or record, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following deputies, clerks, and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be in charge of the redemption department at a salary of one hundred and thirty-five dollars per month; two deputies at a salary of one hundred and fifty dollars each per month who shall be accountants and department auditors; one deputy in the redemption department at a salary of one hundred and thirty dollars per month; one deputy in the redemption department at a salary of one hundred and twenty-five dollars per month; one deputy in the redemption department at a salary of one hundred and twenty dollars per month; one deputy who shall be chief bookkeeper, at a salary of one hundred and fifty dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and thirty-five dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and twenty-five dollars per month; two deputies at a salary of one hundred and ten dollars each per month; one deputy at a salary of one hundred dollars per month; one hundred and ten clerks at a salary of four dollars per day each for each day employed for a period not to exceed thirty days in any one year; and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed seventeen hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assistants herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the auditor is paid.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer, the following deputies who shall be appointed by the treasurer, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier at a salary of one hundred and fifty dollars per month; one deputy who shall be assistant cashier at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and thirty-five dollars per month; one deputy at a salary of one hundred dollars per month. 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. Treasurer.

6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be chief clerk at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistants to the chief clerk, at a salary of one hundred and twenty dollars each per month; one deputy who shall be cashier, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant cashier, at a salary of one hundred and fifteen dollars per month; two deputies who shall be assistants to the cashier, at a salary of one hundred and fifteen dollars each per month, for a period not to exceed six months in any one year; one deputy who shall be correspondence clerk, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be correspondence clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be license clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be checking clerks, at a salary of one hundred and fifteen dollars per month; and one deputy who shall be register clerk, at a salary of one hundred and ten dollars per month; one deputy who shall be record clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy who shall be chief report clerk, at a salary of one hundred and fifty dollars per month; six deputies who shall be report clerks, at a salary of one hundred and ten dollars each per month; one deputy who shall be bookkeeper, at a salary of one hundred and ten dollars per month; twelve deputies at a salary of one hundred dollars each per month; two deputies who shall be sale and redemption clerks, at a salary of one hundred dollars each per month; one deputy who shall be map clerk, at a salary of one hundred and fifteen dollars Tax collector.

per month; one deputy who shall be a stenographer at a salary of ninety dollars per month; eighty-five clerks for a period not to exceed six months at a salary of four dollars per day each for each day employed; and also such additional assistants as the tax collector may require in preparing a property index; the compensation of such assistants, however, shall not exceed in the aggregate the sum of two thousand dollars during the year 1911, and like assistants in any year subsequent thereto for the revision and maintenance of such property index, whose compensation for any year after the year 1911 shall not exceed in the aggregate two thousand dollars for any such year. The tax collector shall also be allowed and there is hereby allowed a sum not to exceed six hundred dollars for the necessary traveling expenses of said license tax collector each year. The salaries of the deputies, clerks, assistants and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid.

District
attorney.

7. The district attorney, six thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the district attorney, the following deputies, employees and assistants who shall be appointed by the district attorney of said county and who shall be paid salaries as follows: One assistant district attorney at a salary of two hundred and seventy-five dollars per month; one chief deputy at a salary of two hundred and fifty dollars per month; four deputies at a salary of two hundred and twenty-five dollars per month each; seven deputies at a salary of two hundred dollars each per month; one clerk at a salary of one hundred and fifty dollars per month; two detectives at a salary of one hundred and thirty-five dollars each per month; two process servers at a salary of one hundred dollars each per month; five stenographers at a salary of one hundred dollars each per month; one messenger at a salary of sixty dollars per month; the auditor shall audit and allow, and the treasurer shall pay to the district attorney the sum of fifty dollars per month on the first of each month, which shall be for a secret service fund, to be used in detection and prevention of crime by the district attorney; *provided, however*, that nothing contained in this subdivision shall be construed as limiting the provisions of section four thousand three hundred and seven; *provided, further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel, when in the judgment of said board, the interests of said county require it. The salaries of the assistants, deputies, clerks, stenographers, special counsel, detectives, and employees herein provided for, shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the district attorney is paid.

A-9004400.

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be

and hereby is allowed to the assessor the following deputies, ^{ASSESSOR.} clerks, stenographers, and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; one head deputy, county department, at a salary of one hundred and fifty dollars per month; one head deputy, city department, at a salary of one hundred and fifty dollars per month; one assistant deputy at a salary of one hundred and twenty-five dollars per month; two improvement valuation deputies at a salary of one hundred and twenty-five dollars each per month; five real estate valuation deputies at a salary of one hundred and twenty dollars each per month; two deputies who shall be cashiers at a salary of one hundred and twenty dollars per month; one machinery valuation deputy at a salary of one hundred and twenty dollars per month; one tax sale and redemption deputy at a salary of one hundred and ten dollars per month; eleven deputies at a salary of one hundred dollars each per month; four transfer deputies at a salary of one hundred dollars each per month; eighty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; forty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; thirty-five clerks for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; nine field deputies for a period not exceeding six months in any one year at a salary of one hundred dollars each per month; eighteen copyists at a salary of seventy-five dollars each per month; fifteen copyists for a period not exceeding three months in any one year at a salary of seventy-five dollars each per month; sixty copyists for a period not exceeding three months in any one year at a salary of seventy-five dollars each per month; ten comparers for a period not exceeding three months in any one year at a salary of eighty dollars each per month; twelve comparers for a period not exceeding three months in any one year at a salary of eighty dollars each per month; two deputies, who shall be photographers, at a salary of one hundred and twenty dollars each per month; two stenographers at a salary of ninety dollars each per month; there is also allowed not to exceed five hundred dollars for transportation expenses of the said assessor or his deputies for each year. It is further provided that in counties of this class, that if the assessor be directed by any law, or by any order of the board of supervisors, within counties of this class, to prepare maps, plats, or block books for the use of the county, or assessment rolls, for the use of any municipality, then said assessor shall make such maps, plats, or block books, or assessment rolls, but shall only receive the actual cost by him incurred in making or preparing said maps, plats, or block books, or assessment rolls; *and provided, further*, that he shall file with the county auditor a sworn statement, showing the persons to whom, and the amounts paid to each for such maps, plats, block books, or assessment rolls,

and he shall account forthwith and pay over to the county any difference between such costs and the amount allowed him for such work. The salaries of the deputies, stenographers, clerks, and copyists herein provided for, shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. It is further provided that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property; nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes, and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

Coroner.

9. The coroner, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect a body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be and he is hereby allowed the following assistants: One deputy at a salary of two hundred dollars per month; said deputy shall have the power, and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one stenographer at a salary of one hundred and fifty dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same in long-hand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the deputies, clerks and stenographer herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same funds as the salary of the coroner is paid.

Public
adminis-
trator.

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 seventy-five 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 is paid.

11. The superintendent of schools, three thousand six hun-

dred 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 two hundred and twenty-five dollars each per month; one deputy at a salary of one hundred and seventy-five dollars per month; three deputies at a salary of one hundred and twenty-five dollars each per month; three 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, 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 said members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field, and all necessary expenses for searching records and compiling assessor's maps; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor, the following deputies who shall be appointed by the surveyor of said county, and who shall be paid salaries as follows: One chief deputy who shall be a civil engineer at a salary of two hundred and fifty dollars per month; one deputy who shall be a bridge engineer at a salary of one hundred and ninety dollars per month; one deputy who shall be a civil engineer at a salary of one hundred and fifty dollars per month; seven deputies who shall be surveyors or draftsmen at a salary of one hundred and twenty-five dollars each per month; three deputies, two of whom shall be draftsmen and one a counter deputy at a salary

of one hundred and ten dollars each per month; two deputies who shall be draftsmen at a salary of one hundred dollars each per month; two deputies who shall be instrument or drafts men at a salary of ninety dollars each per month; one deputy who shall be a stenographer at a salary of ninety dollars per month. The salaries of the deputies herein provided for shall be paid by said county at the same time, in the same manner and out of the same fund as the salary for the county surveyor is paid.

Supervisors.

14. Supervisors, two thousand four hundred dollars per annum together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the state board of equalization; and provided, further, that there shall and hereby is allowed to the said board of supervisors the following clerks: One clerk who shall be auditor and accountant at a salary of one hundred and fifty dollars per month; one clerk who shall be in charge of miscellaneous records, equalization and election matters, at a salary of one hundred and twenty-five dollars per month; one clerk who shall be demand clerk at a salary of one hundred and fifteen dollars per month; two assistant clerks at salaries of one hundred and fifteen dollars each per month; one clerk who shall be stenographer and index clerk at a salary of one hundred dollars per month; one clerk, as emergency clerk, at a salary of one hundred dollars per month; one clerk who shall be superintendent of charities at a salary of one hundred and twenty-five dollars per month; one clerk at a salary of one hundred and ten dollars per month and one clerk at a salary of one hundred dollars per month, each of whom shall be an assistant to the superintendent of charities; one clerk who shall be stenographer for the department of charities at a salary of eighty-five dollars per month; forty clerks for a period not exceeding thirty days in any one year at a salary of four dollars each for each day actually employed to assist said board in the work of equalization; and in addition to the clerks hereinbefore provided for, in years when a general election is held in the state, there shall be and hereby is allowed the said board of supervisors sixty clerks for a period not to exceed twenty days in such years, at a compensation of four dollars each per day for each day actually employed; such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time, and out of the same fund as other clerks of the county officers are paid; and still further provided that from and after the first Monday after the first day of January in the year one thousand nine hundred and thirteen, supervisors in counties now of this class shall receive as compensation for the services required of them by law a salary of three thousand dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in

the discharge of their duties either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the state board of equalization. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the county officers are paid.

15. In townships having a population of thirty thousand and not more than one hundred thousand, justices of the peace shall receive a salary of two thousand dollars per annum; in townships having a population of fifteen thousand and less than thirty thousand, justices of the peace shall receive a salary of fifteen hundred dollars per annum; in townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall receive a salary of twelve hundred dollars per annum; in townships having a population of five thousand and less than ten thousand, justices of the peace shall receive a salary of nine hundred dollars per annum; in townships having a population of two thousand and less than five thousand, justices of the peace shall receive a salary of six hundred dollars per annum; in townships having a population of less than two thousand, justices of the peace shall receive a salary of five hundred dollars per annum; *and provided, further,* that in townships having a population of more than one hundred thousand, each justice of the peace shall receive a salary of three thousand dollars per annum. All salaries shall be in lieu of all fees due or to become due all justices for the performance of any official act, and such salaries as heretofore provided shall be paid in like manner, at the same time, and out of the same funds as county officers are paid by such county. And all fees together with all fines and penalties paid to such justices or into such court, shall be and become the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report under oath on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him on the account aforesaid during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to the board of supervisors with the said report. The board of supervisors of such counties in townships having a population of more than fifteen thousand, may provide each such justice with an office and the necessary furniture and supplies for the justice's court and may in their discretion provide each such justice with the necessary law books; *and provided, further,* that the board of supervisors in such counties may, in townships having a population of more than one hundred thousand, appoint a clerk for each justice therein which clerks shall each hold office for the term of two years from and after appointment, and shall receive a

Justices
of the
peace.

salary of one hundred dollars each per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices. For the purpose of this section the population of townships in counties of this class is hereby determined by the population of such townships as shown by the census taken under the direction of the congress of the United States in the year 1910.

Constables.

16. Constables shall receive the following monthly salaries, to be paid each month and in like manner, at like times and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases, or in actions or proceedings in which the people of the State of California are parties. In townships having a population of three hundred thousand or over, one hundred and fifty dollars per month; in townships having a population of thirty thousand and less than three hundred thousand, one hundred and twenty-five dollars per month; in townships having a population of fifteen thousand and less than thirty thousand, ninety dollars per month; in townships having a population of five thousand and less than ten thousand, sixty dollars per month; in townships having a population of less than five thousand, forty dollars per month. In addition to the compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that the constable shall be allowed all necessary expenses actually incurred in serving any criminal process or pursuing, taking or arresting persons charged with crime, or transporting such persons to or from court or county jail. And all fees collected by such constable on account of services rendered in criminal cases or proceedings in which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed: *and provided, further*, that in counties of this class and in townships having more than one hundred thousand inhabitants, there shall be and there is hereby allowed to each of the four constables of said township, one deputy, who shall be appointed by the constable and shall receive a salary of one hundred dollars per month, and in townships having a population of thirty thousand and not more than one hundred thousand there shall be and there is hereby allowed to each constable, one deputy, who shall be appointed by the constable and shall receive a salary of fifty dollars per month. Said deputies shall be paid in like manner and at like times and out of the same funds as the county officers are

paid. Said deputies so appointed shall take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county, the amount of all fees collected by him for all services rendered in all criminal cases or in actions or proceedings to which the people of the State of California are parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of such county all such fees as may be shown by said report to have been collected by him as aforesaid, and he shall also transmit the treasurer's receipt for said payment to said board of supervisors with said report. For the purpose of this section the population of townships in counties of this class is hereby determined by the population of such townships as shown by the census taken under the direction of the congress of the United States in the year 1910.

17. The fish and game warden, one hundred and twenty-five dollars per month. In addition thereto said fish and game warden shall be allowed a sum not to exceed fifty dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

Fish and
game
warden.

CHAPTER 60.

An act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

[Approved January 22, 1912.]

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

SECTION 1. Section eleven hundred and six of the Political Code of the State of California is hereby amended to read as follows:

1106. The clerk must cancel the entry in the following cases:

Cases in
which entry
must be
cancelled.

1. At the request of the party registered.
2. When he knows of the death or removal of the person registered.
3. When the insanity of the person registered is legally established.
4. Upon the production of a certified copy of a judgment of the conviction of any elector of any infamous crime, or of the embezzlement or misappropriation of any public money, in full force against the person registered, upon information of such conviction, obtained as hereinafter provided.
5. Upon the production of a certified copy of a judgment directing the cancellation to be made.

Cases in which entry of name in great register must be canceled.

6. Upon a certificate of the board of election of any precinct, sent up with the election returns, stating the death or removal, within their own knowledge, of the person registered.

7. When it appears by the returns made by the board and clerks of election that the respective party did not vote during the next preceding two years at any general or special election.

8. The clerk shall cancel upon the great register every name found thereon which is found upon the register of deaths provided for by law.

9. Every judge before whom proceedings were had, which result in any person being declared incapable of taking care of himself and managing his property, and for whom a guardian of his person and estate is accordingly appointed, or which result in such person being committed to a state insane asylum as an insane person, shall file with the county clerk a certificate of that fact, and thereupon the clerk shall cancel the name of such person upon the great register if found thereon.

10. The county clerk shall also, in the first week of September in each year, examine the records of the courts having jurisdiction in case of infamous crimes and the embezzlement or misappropriation of public money within his county, and cancel upon the great register the names of all persons appearing thereon who shall have been convicted of an infamous crime, or of the embezzlement or misappropriation of public money in such court, and which conviction shall have been carried into effect.

CHAPTER 61.

An act to amend section 4 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 January 22, 1912.]

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

Voting or ballot machines.

SECTION 1. Section 4 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), is amended to read as follows:

Section 4. No voting or ballot machines shall be approved by the said board unless the same be so constructed as to provide facilities for voting for the candidates of as many different parties or organizations as may make nominations for office, and for and against as many different propositions or amendments as may be submitted, nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office; it must enable the voter to vote and select a ticket all from the nominees of one party, or a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons *not nominated by any party or upon any independent ticket*: such machines must also secure to the voter, privacy and secrecy in the act of voting; such machines must also be so constructed that a voter can not vote for a candidate or a proposition or amendment for whom or on which he is not lawfully entitled to vote, also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office; and allow of his reversing his vote in case of mistake or desire to change; and such machines must be so constructed that all votes cast for any person voted for, or for or against any proposition or amendment submitted to the voters, shall be accurately registered or recorded, and any machine to be approved by said board must be of such kind, style or pattern as will permit the exercise by each voter of the full right and privilege of his elective franchise under the constitution and laws of this state. All voting machines approved by the state commission shall have a separate voting device for each candidate appearing on the ballot. Such machines may also have thereon a straight ticket device for each of the parties for voting a straight ticket vote for candidates of such party; but if so equipped with separate straight ticket voting devices, such separate straight ticket voting device must be locked out of operation. Machines which have been approved with such straight ticket mechanism thereon may be used in elections with such mechanism rendered inoperative, and machines with such straight ticket mechanism entirely removed therefrom, or machines which omit a party designation of candidates by column or line which have been approved, may be used in such elections, and the omission, removal, or locking out of operation of such straight ticket mechanism from the machine that has otherwise been approved by the commission, need not require a further examination and approval of a machine of that type. The ballot at any election;

Facilities
for voting
required in
construction
before
approval.

Separate
voting
device
for each
candidate.

Use of
machines
having
straight
ticket
mechanism.

Arrangement
of ballot.

whether general, primary, municipal, or otherwise, shall be arranged upon the voting machine as to the order of offices, order of candidates' names, and in other respects for such election, as required by the law prescribing the form and order of the ballot for such election; *provided, however,* that blank spaces for the writing in of the names of candidates or delegates or persons to be voted for, whose names are permitted to be written upon a ballot or pasted thereon by adhesive substance, under the law prescribing the form of the ballot, for the election, need not follow in the same order or place or places, upon a voting machine, as is prescribed in the law prescribing the form of ballot for the election, if the said voting machine be so constructed and capable of operation that all persons who by the law prescribing the form of ballot for the election are entitled to be voted for by writing in the name of such person, or pasting thereon the name of such person by adhesive substance, may be voted for by and upon said voting machine, and such votes counted and returned as fully, correctly and effectually as might have been done by the use of the form of ballot prescribed by law for the election, in case no voting machine had been used. The ballot may be placed upon the machine so the columns will extend either vertically or horizontally, if in all other respects save as to the said blank spaces the ticket is in the form and order which would exist if the election were held by ballot and without a voting machine.

CHAPTER 62.

An act to amend section 3494 of the Political Code of the State of California relating to the sale of school lands.

[Approved January 22, 1912.]

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

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

3494. The unsold portion of the five hundred thousand acres granted to the state for school purposes, the sixteenth and thirty-sixth sections of school land belonging to the state, which are not situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and lands selected in lieu thereof on or before March 24, 1909, where the selection was duly forwarded to the local United States land office and given a register and receiver's number and forwarded to the general land office at Washington, D. C., and which became and now is a part of the records of such general land office at Washington, D. C., must be sold on and after Septem-

School
lands.

ber 1, 1913, but not before, (and no application shall be filed for said lands until on or after said September 1, 1913, except for lands for which an application may be on file, as hereinafter provided,) at the rate of two dollars and fifty cents per acre, in gold coin, payable, twenty per cent of the principal within fifty days from the date of the certificate of location issued to the purchaser; the balance, bearing interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any act by the legislature requiring such payment, or before, if desired by the purchaser; *provided, however*, that any applicant whose application was filed on or before March 8, 1911, and is now on file for any of the lands above described, to wit, the unsold portion of the five hundred thousand acres granted to the state for school purposes, the sixteenth and thirty-sixth sections of school land belonging to the state which are not situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and lands selected in lieu thereof on or before March 24, 1909, where the selection was duly forwarded to the local United States land office and given a register and receiver's number and forwarded to the general land office at Washington, D. C., and which became and now is a part of the records of such general land office at Washington, D. C., may complete the purchase of such lands at the rate of one dollar and twenty-five cents (\$1.25) per acre, in gold coin, payable, twenty per cent of the principal within fifty days from the date of the certificate of location, the balance, bearing interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any act of the legislature requiring such payment, or before if desired by the purchaser; *and provided, further*, that any applicant whose application was filed on or subsequent to March 9, 1911, for any of the lands above authorized to be sold may complete the purchase of such lands at the rate of two dollars and fifty cents per acre; *provided*, said application for the lands in this section authorized to be sold be good and valid and said applicant shall have complied in all respects with the laws in relation to the sale of such lands. The sixteenth and thirty-sixth sections of school land which are situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, are withdrawn from sale. Nothing herein contained shall be construed as a recognition that the said sixteenth and thirty-sixth sections last above referred to have not heretofore been withdrawn from sale. Lieu lands applied for or selected subsequent to March 24, 1909, shall be sold and disposed of as provided in article I of chapter I of title VIII of part III of this code;

Time of sale, price, and terms of payment.

Completion of sale to certain applicants.

Certain sections withdrawn from sale.

Lieu lands.

provided, further, however, that nothing herein contained shall be construed or held to prevent the contesting of any application, now on file which is subject to contest and any qualified person may at any time in the manner and within the time provided by law for contesting applications contest the application of any applicant now on file and for such purpose may at any time after the approval hereof file his application for any of the lands authorized to be sold by this section and for which an application is now pending, which lands shall be sold to such contesting applicant at the rate of two dollars and fifty cents (\$2.50) per acre and under the terms and conditions in this section provided.

CHAPTER 63.

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

[Approved January 25, 1912.]

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

Irrigation
districts.

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

Bonds
payable
in series.

Section 31. All bonds issued under provisions of this act shall be payable in gold coin of the United States, in ten series, as follows, to wit:

At the expiration of twenty-one years five per centum of the whole amount of said bonds;

At the expiration of twenty-two years six per centum of the whole amount of said bonds;

At the expiration of twenty-three years seven per centum of the whole amount of said bonds;

At the expiration of twenty-four years eight per centum of the whole amount of said bonds;

At the expiration of twenty-five years nine per centum of the whole amount of said bonds;

At the expiration of twenty-six years ten per centum of the whole amount of said bonds;

At the expiration of twenty-seven years eleven per centum of the whole amount of said bonds;

At the expiration of twenty-eight years thirteen per centum of the whole amount of said bonds;

At the expiration of twenty-nine years fifteen per centum of the whole amount of said bonds;

At the expiration of thirty years sixteen per centum of the whole amount of said bonds.

That the several enumerated percentages being of the entire amount of the bond issue, but each bond must be made payable at the given time for its entire amount and not for a percentage. The date of issue of any bond under this act shall be deemed to be the apparent date of issue of the said bonds appearing upon the face thereof, which date shall be subsequent to the date of the bond election authorizing said bonds and prior to the date of actual delivery of said bonds to the purchasers thereof. Said bonds shall bear interest at the rate of five per cent per annum, payable semi-annually on the first day of January and July of each year. Principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board shall be affixed thereto. Each issue shall be numbered consecutively as issued, and bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were issued by authority of this act, stating its title and date of approval, and also to 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. The provision of this section defining what shall constitute the date of issue of bonds shall apply to any and all bonds issued in pursuance of this act.

Interest
on bonds.

Denomina-
tion and
form.

Record kept
by secretary.

CHAPTER 64.

An act to amend section seventeen of the Political Code of the State of California relating to definitions of certain terms used in said code.

[Approved January 25, 1912.]

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

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

17. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person;

Words
and terms
used in the
Political
Code
define.

Definitions
of words
and terms
used in the
Political
Code.

writing includes printing and typewriting; oath includes affirmation or declaration; every mode of oral statement under oath or affirmation is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person can not write, his name being written near it by a person who writes his own name as a witness; *provided*, that when a signature is made by mark it must, in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses to such signature. The following words, also, have in this code the signification attached to them in this section, unless otherwise apparent from the context:

One—The word "property" includes both real and personal property;

Two—The words "real property" are coextensive with lands, tenements and hereditaments;

Three—The words "personal property" include money, goods, chattels, things in action, and evidences of debt;

Four—The word "month" means a calendar month, unless otherwise expressed;

Five—The word "will" includes codicil;

Six—The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word "process" a writ or summons issued in the course of judicial proceedings;

Seven—The word "vessel," when used with reference to shipping, includes ships of all kinds, steamboats, and steamships, canal boats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons;

Eight—The term "peace officer" signifies any one of the officers mentioned in section eight hundred and seventeen of the Penal Code;

Nine—The term "magistrate" signifies any one of the officers mentioned in section eight hundred and eight of the Penal Code;

Ten—The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words "United States" may include the district and territories;

Eleven—The word "section," whenever used in this code, refers to a section of this code, unless some other code or statute is expressly mentioned.

CONCURRENT AND JOINT RESOLUTIONS, AND CONSTITUTIONAL AMENDMENTS.

CHAPTER 1.

Assembly Concurrent Resolution No. 6—Relative to extending an invitation to a committee from the New York legislature to visit the California legislature.

[Filed with Secretary of State December 6, 1911.]

WHEREAS, A committee has been appointed by the legislature of the State of New York for the purpose of visiting the State of California to examine the site of the Panama-Pacific International Exposition, to select a location for a building to be erected by the State of New York in said exposition, and to make its recommendation to the New York legislature regarding an appropriation to be made by the said state; and

Exposition
committee
of New York
legislature.

WHEREAS, Such committee is at the present time in the city of San Francisco for the purpose aforesaid; now, therefore, be it

Resolved by the senate and assembly, That an invitation be extended to the said committee of the New York legislature to visit the California legislature, now convened in special session at the state capitol in the city of Sacramento, as guests of the State of California at some convenient time during the stay of such committee in the State of California; and be it further

Invitation to
visit the
California
legislature.

Resolved, That the said committee be requested to specify a time which will be satisfactory for such visit, so that the business of this session may be arranged to permit the reception of our visitors.

CHAPTER 2.

Senate Joint Resolution No. 2—Relating to the action of the Russian government in discriminating against the admission of certain classes of American citizens into that country.

[Filed with Secretary of State December 9, 1911.]

WHEREAS, Under the treaty of 1832 between the government of the United States and the government of Russia it was agreed that all American citizens without regard to race or religion should be entitled to admission and protection in the territory of Russia; and

Violation
by Russian
government
of treaty
with the
United
States.

WHEREAS, The Russian government has continually violated the terms of the treaty in refusing admission into its territory of American citizens duly accredited as such by passports properly issued by the American government because of their religious belief; and

WHEREAS, The government of the United States has lived up to its agreement with Russia under said treaty of 1832 by recognizing all Russian passports; and

WHEREAS, The time has arrived when the United States government should insist in no uncertain terms upon the rights of all its citizens under said treaty; therefore, be it

Resolved, That our senators be instructed to forthwith urge such action by the senate of the United States as will bring about the abrogation of the treaty of 1832 between this government and the Russian government unless said Russian government shall at once notify the proper authority in Washington of their immediate intention to respect the provisions of said treaty.

Action urged to compel respect of treaty provisions.

CHAPTER 3.

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to section 16½, of article eleven, of the constitution, relating to the deposits of moneys belonging to the state, or to any county or municipality within the state.

[Filed with Secretary of State December 18, 1911.]

Constitutional amendment.

The legislature of the State of California, at its extraordinary session of the thirty-ninth session, commencing on the twenty-seventh day of November, A. D. nineteen hundred and eleven, two thirds of the members elected to both the senate and assembly, respectively, voting therefor, hereby proposes to the people of the State of California that section 16½ of article eleven of the constitution of this state be amended so as to read as follows:

Deposit of public moneys in national or state banks.

Section 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, or of any irrigation district within this state, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks; *and provided, further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits.

CHAPTER 4.

Assembly Joint Resolution No. 1—Relative to petitioning congress to appropriate one million (\$1,000,000) dollars for the improvement of Yosemite National Park.

[Filed with Secretary of State December 18, 1911.]

WHEREAS, The Yosemite valley and Mariposa grove of big trees were ceded and regranted to the United States of America by the legislature of the State of California in 1905 on the representation and with the understanding that the Yosemite valley would be cared for by the federal government as was the Yellowstone Park, and that similar appropriations would be made for the improvement of the Yosemite park; and

Yosemite valley and Mariposa grove.

WHEREAS, There has in recent years been more than one million dollars spent on the Yellowstone Park in annual appropriations of two hundred and fifty thousand dollars each and said park and its road system improved in accordance with a comprehensive plan; and

WHEREAS, The proximity of the Yosemite valley to San Francisco was one of the strong reasons urged in favor of holding an exposition in San Francisco in 1915; and

WHEREAS, Many improvements are required in the Yosemite National Park in order to properly prepare the valley and vicinity to receive the thousands of travelers from all parts of the world who will wish to visit the valley during that year; therefore, be it

Improvements required.

Resolved by the senate and assembly of the State of California, concurring jointly, That our senators and representatives in congress are hereby requested to use all honorable means to secure an appropriation of one million (\$1,000,000) dollars extending over a period of four years, two hundred and fifty thousand dollars to be appropriated by congress each year, to be expended in the improvement of the Yosemite National Park, such expenditure to be made in pursuance of some comprehensive plan of development; and be it further

Appropriation by congress desired.

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 5.

Assembly Concurrent Resolution No. 1—Approving the charter of the city of Stockton, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 17th day of October, 1911.

[Filed with Secretary of State December 20, 1911.]

Charter
of city of
Stockton.

WHEREAS, The city of Stockton, a municipal corporation of the county of San Joaquin, State of California, now is and at all times herein referred to was a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At a general municipal election held in said city on the 16th day of May, 1911, under and in accordance with the laws and the provisions of section 8, 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 said city of Stockton; and

WHEREAS, Said charter was on the 14th day of August, 1911, signed in duplicate by more than a majority, to wit: fourteen of the members of said board, and was, on said 14th day of August, 1911, duly returned and filed, one copy thereof to and with the mayor of said city, and the other copy to and with the county recorder of the county of San Joaquin, State of California, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Stockton Daily Evening Record" and in "The Mail," each being a newspaper of general circulation in said city of Stockton, 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 thirty days after the completion of said publication submitted by the city council of said city of Stockton to the qualified electors of said city of Stockton at a special election, previously duly called and therein held on the 17th day of October, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Stockton, voting at said special election, voted in favor of the ratification of, and did ratify, said charter as proposed; and

WHEREAS, Said city council of the city of Stockton, after duly canvassing the returns of said election, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying and did ratify said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF STOCKTON.

ARTICLE I.

NAME, RIGHTS OF THE CITY AND BOUNDARIES.

Name of the city.

SECTION 1. The municipal corporation now existing and known as the city of Stockton shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Stockton, and by such name shall have perpetual succession. Corporate name.

Rights and liabilities.

SEC. 2. The city of Stockton shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges, and franchises now possessed, enjoyed, owned or held by it; and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, not inconsistent with the provisions of this charter. Rights and liabilities.

Boundaries.

SEC. 3. The boundaries and territorial extent of the city of Stockton are and shall continue to be the same as fixed and described in an act of the legislature of the State of California, approved March 27th, 1872, in the words following, to wit: "All that part of the county of San Joaquin, bounded north by the north line of North street, south by the south line of South street, said lines extending west of the line of Tule (Edison) street half a mile, east by the east line of East street, as said streets are now (1872) laid out, dedicated and known in said city, and west by a line parallel with Tule or Bragg (Edison) street and half a mile west from said street and intersecting with the continuation of said north and south lines westerly": said streets, boundaries and territorial extent being shown and delineated upon the official map of said city by H. T. Compton, city surveyor, adopted by the city council of said city on July 23rd, 1894. Boundaries.

ARTICLE II.

ELECTIONS.

General and special municipal elections.

SEC. 5. A municipal election shall be held in the city of Stockton on the first Tuesday in October next after the approval of this charter by the legislature, and on the first Tuesday in October in every second year thereafter, and shall be known as the general municipal election. A second elec- General and special municipal elections.

tion shall be held, when necessary, as provided in subdivision 21, of section 6, on the second Tuesday after said general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and election of city officers.

Nomination and election of city officers.

SEC. 6. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

Condition of candidacy.

Conditions of candidacy.

(1) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of nomination petition.

Form of petition of nomination.

(2) The petition of nomination shall consist of not less than twenty-five, nor more than thirty-five, individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF CALIFORNIA;
COUNTY OF SAN JOAQUIN, } SS.
CITY OF STOCKTON.

No.

I, the undersigned, certify that I do hereby join in a petition for the nomination of whose residence is at No. street, Stockton, for the office of to be voted for at the municipal election to be held in the city of Stockton on the day of, 19...., and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. street, Stockton, and that my occupation is
(Signed).....

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } SS.
CITY OF STOCKTON.

....., being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.
(Signed).....

Subscribed and sworn to before me this day of 19....

(Notary public or verification deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to
..... at No. street,
Stockton, Cal.

Forms to be supplied by the city clerk.

(3) It shall be the duty of the city clerk to furnish upon application a reasonable number of official forms of individual certificates of the above character.

Forms to be supplied by city clerk.

Requirements of certificates.

(4) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector and must not at the time of signing a certificate have signed his name to any other for any other candidate for the same office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Requirements of certificates of nomination.

Verification deputies.

(5) Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the city clerk. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the city treasury. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation and whether or not they are qualified electors of the city of Stockton, California.

Verification deputies.

Powers and duties.

Date of presenting petition.

(6) A petition of nomination may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election, except as otherwise provided in this char-

Time within which petition may be presented.

ter. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of petitions by city clerk.

Examination
of petition
of nomination.

(7) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this charter. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided.

Withdrawal of signature.

Withdrawal
of signature.

(8) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

Withdrawal
of candidate.

(9) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of petitions.

Time of
filing by
city clerk.

(10) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Preservation of petitions.

Preservation
of petitions.

(11) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Election proclamation.

Election
proclamation.

(12) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of Stockton, and the

council shall cause said certified list of names and offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least three successive days, commencing seven days before the election, in not more than one daily newspaper of general circulation published in the city of Stockton. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of ballots.

(13) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION,
CITY OF STOCKTON.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the inspector of election, and obtain another.

Requirements of ballot.

(14) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the sources of the candidacy or of the support of any candidate.

Every nominee to be on ballot.

(15) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of offices on ballot.

(16) The offices to be filled shall be arranged in separate columns in the following order:

“For mayor (if any) vote for one.”

“For councilmen (if any) vote for (giving number).”

“For school directors (if any) vote for (giving number).”

Space for voting cross.

(17) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Form of ballots.

Instructions to voters.

Requirements of ballot.

No name to be omitted from ballot.

Arrangement of offices on ballot.

Voting square.

Blank spaces for additional candidates.

Blank
spaces for
additional
candidates.

(18) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample ballots.

Sample
ballots.

(19) The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote necessary for election.

Votes
necessary
to elect.

(20) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office, shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Second election.

Second
election.

(21) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person, who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Rules governing second election.

Rules
governing
second
election.

(22) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that proclamation of

election shall be published twice only, and provided also that the same precincts and polling places shall, if possible, be used.

Failure of person elected to qualify.

(23) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Failure of person elected to qualify.

Informalities in election.

(24) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

Informalities in election.

General election regulations.

(25) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

General election regulations.

Qualifications of voters.

(26) No person shall be entitled to vote at any election held under the provisions of this charter, unless he shall be a qualified elector of the county, enrolled upon the great register thereof and in the precinct in which he votes at least twenty-five days next preceding said election and shall have resided in the city of Stockton for at least thirty days preceding such election. At any election held under the provisions of this charter, the last printed great register of the county shall be used and any elector whose name is not upon such printed register shall be entitled to vote upon producing and filing with the board of election a certificate under the hand and official seal of the county clerk showing that his name is registered and uncanceled upon the great register of the county; *provided*, that he is otherwise qualified to vote as previously set forth in this section.

Qualifications of voters.

ARTICLE III.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SEC. 10. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

Application of recall to elective officers.

Petition for recall.

(1) A petition signed by qualified electors, equal in number to twenty per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was

Petition for recall.

elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

Provisions of section 6 apply.

Provisions
which apply.

(2) The provisions of section 6 respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Election under recall petition.

Election
under recall
petition.

(13) If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within ninety days, the council may in its discretion postpone the holding of such election to such general municipal election.

Grounds of recall. Officer's justification.

Grounds
of recall:
officer's
justification.

(4) In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than two hundred words the officer may justify his course in office.

Candidates. Election.

Candidates;
election.

(5) The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of section 6.

Incumbent removed.

Incumbent
to perform
duties until
removal.

(6) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

No recall petition for first three months.

No recall
during first
three
months.

(7) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Incapacity of recalled official.

Incapacity
of recalled
official.

(8) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further regulations.

Further
regulations.

(9) The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section 6 thereto.

ARTICLE IV.

ELECTIVE OFFICERS.

The elective officers.

SEC. 15. The elective officers of the city of Stockton shall be a mayor, four councilmen, and five school directors. Elective officers.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council, but the mayor shall have no other vote than such vote as member of the council. Council.

The board of education shall consist of five school directors, each of whom shall have the right to vote on all questions coming before the board. Board of education.

Elected at large.

SEC. 16. The mayor, councilmen and school directors shall be elected at the general municipal election on a general ticket from the city at large. Elected at large.

Eligibility of mayor, councilmen and school directors.

SEC. 17. To be eligible for the office of mayor, councilman, or school director, a person must be a citizen of the United States and a qualified elector of the State of California, and of the city of Stockton, and have been a resident of the city of Stockton for three years. Eligibility for office.

Vacancy in office of mayor or councilman.

SEC. 18. If a vacancy shall occur in the office of mayor or councilman, the council shall appoint a person to fill such vacancy. If at any municipal election held under subdivision 21 of section 6 of this charter a mayor, or the required number of councilmen be not elected by reason of a tie vote among any of the candidates therefor, then the council after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons, receiving such tie vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election. Vacancy in office of mayor or councilman.

Vacancy in office of school director.

SEC. 19. If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. If at any municipal election held under subdivision 21 of section 6 of this charter a school director be not elected by reason of a tie vote among any of the candidates therefor, then the board of education after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote, to fill such office as in case of a vacancy therein. In each case a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election. Vacancy in office of school director.

*Mayor's term of office.*Term of
office of
mayor.

SEC. 20. The mayor shall hold office for a term of four years from and after the first Monday in January after his election, and until his successor is elected and qualified.

*Councilmen's term of office.*Term of
office of
councilmen.

SEC. 21. The councilmen shall hold office for a term of four years from and after the first Monday in January after their election and until their successors are elected and qualified; *provided*, that the councilmen first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years. At each general municipal election after the first under this charter, there shall be elected two councilmen.

*School directors' term of office.*Term of
office of
school
directors.

SEC. 22. The school directors shall hold office for a term of four years from and after the first Monday in January after their election and until their successors are elected and qualified; *provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and three of them for four years. At each general municipal election after the first under this charter the number of school directors to be elected shall be equal to the number of terms to expire, under the aforesaid provisions, on the ensuing first of January, to wit, alternately two or three.

*Official bonds.*Official
bonds.

SEC. 23. The mayor, each councilman and each school director shall, before entering upon the duties of his office, give and execute to the city a personal bond or a bond with a surety company, the mayor in the penal sum of ten thousand dollars, each councilman in the penal sum of five thousand dollars, and each school director in the penal sum of two thousand five hundred dollars, the city of Stockton to pay the cost of acceptable surety company bonds, if such are given. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the several councilmen and school directors must be approved by the mayor. The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers. The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

*Oath of office.*Oath of
office.

SEC. 24. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

Salaries.

SEC. 25. The mayor shall receive an annual salary of three thousand dollars, payable in equal monthly installments. Salaries.

Each councilman shall receive an annual salary of twenty-four hundred dollars, payable in equal monthly installments.

Administering oaths. Subpœnas.

SEC. 26. Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpœnas, to compel by subpœna the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpœnaced neglect or refuse to appear, or to produce any book, paper or document as required by such subpœna, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpœna. Administering oaths; subpœnas.

ARTICLE V.

THE MAYOR.

The chief executive.

SEC. 30. The mayor shall be the chief executive of the city. He shall be charged with the general oversight of the several departments of the municipal government and may suggest and advise in all matters thereof. He shall see that all contracts with the city are faithfully performed and that all the ordinances of the city are duly enforced. Mayor is the chief executive.

Mayor pro tempore.

SEC. 31. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter. Mayor pro tempore.

Mayor's reports.

SEC. 32. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient. Communications to council.

Mayor to have city's books examined.

Examination
of books
of city.

SEC. 33. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant, who shall examine, at least twice each year, the books, records and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records, and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

Supervision of public utility companies.

Supervision
of public
utility
companies.

SEC. 34. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall, and the council may, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal, or void, or voidable, or negligently exercised or not binding upon the city. The city attorney, on demand of the mayor, or of the council, must institute and prosecute in the name of the city the necessary actions to enforce the provisions of this section.

Powers and duties prescribed by ordinance.

Other
powers and
duties.

SEC. 35. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or by ordinance, or by resolution of the council.

ARTICLE VI.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The four municipal departments.

Municipal
departments.

SEC. 40. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

1. Department of finance, revenue and public supplies.
2. Department of public health and safety.
3. Department of public works.
4. Department of audit.

The four commissioners.

SEC. 41. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance, revenue and public supplies, who shall be ex officio treasurer, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of audit, who shall be ex officio auditor. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change any designation, whenever it determines that the public service will be benefited thereby.

Department
commissioners.

Council to assign duties to the departments.

SEC. 42. Each commissioner is charged and empowered to act executively and administratively in all matters within the scope of his department as indicated by the names of the departments given in the two sections next preceding. He shall have power to select, direct and discharge the employees of his department and persons employed in or upon matters within the scope of his department. The council may further effectuate the intended departmental distribution of executive and administrative powers, duties and subject matters by enacting ordinances which shall more particularly and exactly define the powers, duties and subject matters of each department, and by ordinance make general rules and regulations for the efficient and economical conduct of the business of the city but shall have no power to impair or defeat the intended distribution of certain duties, powers and subject matters to its appropriate department and commissioner. As between any commissioner and the council the legislative determination or distribution of duties, powers or subject matters by the council shall be final, but as between the people and any member of the council the inability or failure of such member to act wisely or effectively in the matters of such determination or distribution of such duties, powers or subject matters shall be a reason for his recall as provided elsewhere in this charter. Nothing herein contained shall prevent the council from acting by resolution in a specific case not otherwise provided for, or prevent two or more departments or commissioners from harmonizing their action so far as may be necessary or convenient for the best conduct of the specific matter in hand.

Duties of
department
commissioners.

The chief appointed officials.

SEC. 43. The chief appointed officials of the city shall be city clerk, assessor, tax collector, attorney, engineer, chief of police, fire chief, street superintendent, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council, and the vote, whether for appointment or removal, shall be taken as to each officer separately. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers. The council shall, by ordinance, or by resolution, prescribe the duties of all the chief officials,

Chief
appointed
officials.

but in so doing shall have no power to limit, impair or defeat the paramount executive and administrative authority of the commissioners of the departments, as such authority is contemplated in sections 40, 41 and 42 of this article and throughout this charter. The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed by resolution to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

Subordinate officers and employees.

Subordinate officers and employees.

SEC. 44. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant, or employee, except as otherwise provided in this charter.

Compensation of officers and employees.

Compensation of officers and employees.

SEC. 45. The compensation of all city officers provided for by section 43 of this charter, except library trustees and school directors, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid forthwith by him into the city treasury.

Reports of departments.

Department reports.

SEC. 46. Each department and commission shall annually, on such date as may be fixed by the council, and at such other times as the council may by resolution demand, render to the mayor a full report of all operations of such department or commission.

Reports to be published.

Publication of reports.

SEC. 47. The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions.

Councilman to hold no other office.

Eligibility of councilman to other offices.

SEC. 48. No member of the council shall 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.

Officers not to be interested in contracts or franchises.

SEC. 49. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of

the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or by virtue of legal process at the suit of the city. No officer or employec of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Officers not to be interested in contracts or franchises.

Any contract or agreement made in contravention of this section shall be void.

Any officer who shall violate any of the provisions of this section shall forfeit his office.

ARTICLE VII.

THE COUNCIL.

The council, the governing body.

SEC. 55. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

Council shall be governing body.

President and vice-president.

SEC. 56. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

President and vice-president.

Meetings of council.

SEC. 57. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings of council.

Meetings to be public.

SEC. 58. All legislative sessions of the council, whether regular or special, shall be open to the public.

Meetings to be public.

Quorum.

SEC. 59. A majority of the members of the council shall constitute a quorum for the transaction of business.

Quorum.

Rules of proceeding.

SEC. 60. The council shall establish rules for its proceedings, may punish its members for disorderly conduct and compel the attendance of its members at council meetings. Every member, when present, must vote upon all propositions.

Rules for proceedings.

Ordinances and resolutions.

SEC. 61. (1) The council shall act only by ordinance or resolution.

Manner of action.

*Ayes and noes.*Ayes and
noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

*Majority vote of council.*Majority
vote
necessary.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

*Subject and title.*Subject
and title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

*Enacting clause of ordinances.*Enacting
clause.

(5) The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Stockton as follows:"

*Requirements of an ordinance.*Publication
of ordinance.

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published in a daily newspaper of general circulation in the city of Stockton with the ayes and noes for three days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for two days.

*Ordinances required in certain cases.*Action by
ordinance
required
in certain
matters.

(7) No action for the appropriation, acquisition, sale or lease of public property, or levying any tax or assessment, or granting any franchise, or establishing or changing fire limits, or imposing any penalty shall be taken except by ordinance: *provided*, that where the council takes action in pursuance of general laws of the state it may proceed in any manner permitted or required by such laws.

*Deliberate action for expenditure of six hundred dollars and more.*Action on
expenditure
of amount
as great as
six hundred
dollars.

(8) No action authorizing any specific improvement, unless the cost of such improvement be less than six hundred dollars, or involving or authorizing the appropriation or expenditure of public money, except in sums less than six hundred dollars, shall be taken otherwise than at a regular meeting or adjourned regular meeting of the council, nor unless as many as five full days shall have intervened after the day upon which the authorizing resolution or ordinance shall have been introduced for passage or adoption and before the day of the passage or adoption of such resolution or ordinance; *provided, however*, that in the presence of a great public calamity or distress, such

as extraordinary fire, flood, epidemic, disease, or any other similar public calamity or distress, relief measures within the powers of the council may be taken forthwith by the unanimous vote of the council.

Reconsideration.

(9) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Reconsideration.

Signing and attesting.

(10) The mayor shall sign and the clerk shall attest all ordinances and resolutions duly passed by the council.

Ordinances to be signed and attested.

Revision and amendment.

(11) No ordinance shall be revised, reënacted or amended by reference to its title only; but the ordinance to be revised or reënacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Revision and amendment.

Repeal.

(12) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Repeal.

Ordinances granting franchises.

(13) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

Grant or renewal of franchises.

Record of city ordinances.

(14) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and may, in the custody of the city clerk or his representative, be taken, within the limits of the city, into any court or for any legal proceeding.

Record of ordinances.

Protection of absent commissioner.

SEC. 62. In the absence of a commissioner no final action shall be taken in any matter concerning his department except at a regular meeting, nor unless such business has been made a special order at a meeting at which such councilman was present.

Action during absence of department commissioner.

Publication of charter and ordinances.

SEC. 63. The council, from time to time, may cause all ordinances in force at such time to be classified under appropriate heads, and, together with, or separately from, the charter of the city, publish the same in book form.

Publication of charter and ordinances in book form.

ARTICLE VIII.

POWERS OF THE CITY AND OF THE COUNCIL.

General powers of the city.

General powers of the city.

SEC. 70. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Stockton shall have the right and power:

Public buildings, works and institutions.

Public buildings, works and institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, exhibition buildings, auditoriums, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction, farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning plants, street sprinkling plants, sewers, sewer outlets, sewage disposal plants, quarries, gravel pits, sand pits, clay pits, wharves, docks, water ways, canals, and all other public buildings, structures, works, apparatus, institutions and places.

Water, light, heat and power.

Water, light, heat and power.

(2) To provide for supplying the city and its inhabitants or the city or its inhabitants with water, gas and electricity or any one or more of the same or with any other means of heat, illumination, power or refrigeration; to provide for supplying light, water, power and refrigeration or any one or more of the same for municipal public buildings and places; to provide for supplying water and light for the public streets; to provide water and power for the extinguishment of fires by the municipal agencies; to acquire by purchase, condemnation, construction, lease, or otherwise, and to own, equip, operate and maintain plants and apparatus for the production, distribution and management, or production or distribution or management of water, gas, electricity, heat, power or refrigeration, in any of their forms, singly or in any combination of the same, by pipes, wires, or other means, and for any or all of the uses or purposes in this section mentioned aforesaid.

Telephone, telegraph, railroads, transportation.

Telephone, telegraph, railroads, transportation.

(3) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate or acquire or establish or maintain or equip or own or operate telephone systems and telegraph systems or telephone systems or telegraph systems, for the use of the city and its inhabitants or the city or its inhabitants.

To acquire, construct, maintain and operate or acquire or construct or maintain or operate, for the use of the city and its inhabitants or the city or its inhabitants, or for other public uses or any public or municipal use, railroads of any kind and

transportation service of any kind or railroads of any kind or transportation service of any kind.

To do and have the things and powers specified in this subdivision (3) aforesaid within the territorial limits of the city of Stockton. To do and have the things and powers specified in this subdivision (3) aforesaid outside of the territorial limits of the city of Stockton, but this only to the extent that the railroad or transportation service may be necessary or convenient for the public use by the city or its inhabitants of any land, park, building, structure, works, improvement, institution, property or right of the city situated outside of its territorial limits.

Short, temporary, ancillary, railroad tracks.

(4) To acquire, construct, maintain and operate or acquire or construct or maintain or operate short or temporary railroad tracks, and also side tracks, turnouts, switches, spur tracks, yard tracks, industry tracks, warehouse tracks, and other similar railroad tracks which may be necessary or convenient and advisable from the public standpoint; and the powers conferred by this subdivision (4) may be exercised independently of as well as in conjunction with the powers conferred in the preceding subdivision (3), and either apart from or in aid of the things in such subdivision (3) authorized: *provided*, that nothing in this subdivision (4) contained authorizes tracks or service for solely private use or benefit.

Short,
temporary,
ancillary,
railroad
tracks.

Purchase and sale of certain utilities.

(5) To buy, and to sell to the inhabitants of the city, gas, electricity, power, water, refrigeration, or any other similar product.

Purchase
and sale of
utilities.

Land for public purposes.

(6) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

Land for
public
purpose.

Lease of public utilities.

(7) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city: *provided*, that such leases shall be made only by ordinance to the highest bidder and for a period not to exceed five years.

Lease of
public
utilities.

Bequests and donations.

(8) To 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 bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Bequests and
donations.

*Borrowing money, bonds.*Borrowing
money;
bonds.

(9) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor or without issuing bonds therefor; *provided*, that in the procedure for the creation and issuance of bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed, and be applicable even though such laws may not enumerate the specific purpose the city has in view.

*Joint ownership of public utilities.*Joint
ownership
of public
utilities.

(10) To join with one or more cities, counties or districts, incorporated under the constitution and laws of the state in the acquisition and maintenance of sewage disposal facilities and plants and in order to acquire and develop jointly a source or sources of water supply, light, refrigeration, heat and power, for any purpose or use within the powers of the city of Stockton and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities, counties or districts, in bond issues for the acquisition and installation of the same.

*Sue and defend.*Sue and
defend.

(11) To sue and defend in all courts and places and in all matters and proceedings.

*Direct legislation by people.*Direct
legislation
by people.

SEC. 71. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the general powers of the city or any of the specified powers of the council.

*Powers of the council enumerated.*Powers of
the council.

SEC. 72. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

Official seal.

Official seal.

(1) To continue the present corporate seal or to provide a new corporate seal with appropriate device, to be affixed to all instruments or writings needing authentication.

*Violation of charter and ordinances.*Violations
of law.

(2) To prescribe fines, forfeitures and penalties for violation of any provision of this charter or of any ordinance.

Nuisances.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof. Rewards.

Police and fire departments.

(5) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor. Police and fire departments.

Police and fire alarm systems.

(6) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same. Alarm systems.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks, firecrackers and other explosive articles, materials and substances. Explosives.

Inflammable materials.

(8) To regulate the storage of hay, straw, oil, gasoline, benzine and other inflammable or combustible materials. Inflammable materials.

Engines and boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and all other generators of light, heat or power, and to prohibit their use in such localities as in the judgment of the council would endanger public health, safety or comfort. Engines and boilers.

Fire limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits. Fire limits.

Building regulations.

(11) 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 or unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary abatement, destruction, or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water, gas, or electricity, and the manner of so doing; to prohibit the

Building regulations.

construction of buildings and structures which do not conform to such regulations.

Fire escapes.

Fire
escapes.

(12) To require the owners and lessces of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precaution against fires.

Precaution
against
fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make provisions to guard against fires.

Provisions for safety in theaters, halls, etc.

Safety in
places for
public
gatherings.

(14) To regulate the size, construction, and lighting of the entrances to and exits for all theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theaters, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provisions for safety in workshops and factories.

Safety in
workshops
and
factories.

(15) To regulate the location of workshops and factories, the size and position of hallways, aisles, open places, stairways, elevators, entrances and exits in such shops and factories and the size, construction and lighting of such workshops and factories and to provide in any manner or particular for the safety of the occupants of the same.

Provisions for safety in streets.

Safety
in streets.

(16) To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, to place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the council may deem proper. To require street cars and local trains to be provided with fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city. To regulate the speed with and the manner in which persons may ride or drive or propel bicycles, automobiles, motor cycles, or other vehicles along or upon any of the streets or highways of the city.

Improper use of streets.

(17) To regulate or prohibit the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise or other things in or upon any sidewalk, street, alley, lane, court, park or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

Use of
streets and
public
places.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

Weeds and rubbish on sidewalks, and in lots.

(18) To compel the owner, lessee or occupant of buildings, grounds or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the building or grounds, and on his default, after such notice as the council may prescribe, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner, lessee or occupant, and, by such procedure as the council may prescribe, to make such expense a lien upon such buildings or grounds.

Weeds and
rubbish.

Billboards and signs.

(19) To regulate, license or prohibit the construction and use of billboards and signs.

Billboards
and signs.

Animals.

(20) To regulate and prevent the running at large of animals; to provide for the destruction of vicious or diseased animals, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Animals.

Public pound.

(21) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large. To establish routes and other regulations for driving or

Public
pound.

taking loose animals or droves or bands of animals through the city or any part thereof.

Cruelty to animals.

Cruelty to animals.

(22) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

Keeping of animals.

Keeping of animals.

(23) To regulate the keeping of animals within the city in pens, corrals, stables or otherwise.

Preservation of health.

Preservation of health.

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Dangerous and offensive occupations; disagreeable noises.

Dangerous or offensive occupations: noises and odors.

(25) To regulate or prohibit the operation of all manufactories, 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 or dangerous, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises or odors.

Inspection of food products.

Inspection of food products.

(26) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk, and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

Dairies.

(27) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city.

Lodging, tenement and apartment houses.

Lodging, tenement, and apartment houses.

(28) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same, and to require that they be put and kept in proper sanitary condition.

Sewer connections.

(29) To regulate or prohibit the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, draining, or emptying of the same, and to designate the time and manner in which the work of cleaning, draining or emptying the same shall be done.

Sewer
connections.*Garbage.*

(30) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Garbage.

Licensing businesses.

(31) To license for purposes of regulation and revenue all and every kind of business transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Licensing
businesses.*Regulation of pawnbrokers, auctioneers and others.*

(32) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in second hand merchandise, auctioneers and employment office keepers, and prescribe the mode of conducting the same.

Regulation
of certain
businesses.*Regulation of public vehicles.*

(33) To establish stands for hacks, public carriages, express wagons, automobiles, and other public conveyances for hire, and to regulate the charges of such hacks, public carriages, express wagons and other public conveyances, and to require schedules of such charges to be posted in or upon such public conveyances.

Regulation
of public
vehicles.*Weights and measures.*

(34) 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.

Weights and
measures.*Public shows. Gambling.*

(35) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, the selling of pools, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Public
shows;
gambling.*Public order and decency.*

(36) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offen-

Public order
and decency.

sive, immoral, indecent and disorderly conduct and practices in the city.

Taxation.

Taxation. (37) To levy and collect taxes upon all the real and personal property within the city.

Erroneously collected taxes.

Erroneously collected. (38) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

Fees. (39) To fix the fees and charges for all official services.

Mayor's urgency fund.

Urgent necessity fund. (40) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

Lease of lands owned by the city.

Lease of lands owned by city. (41) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for one week, stating explicitly the time and conditions of the proposed lease; *provided*, that no such lease shall be for a period longer than five years, and the council may in its discretion reject any and all bids.

Purchase of property under execution.

Purchase of property under execution. (42) To provide for the purchase by the city of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless personal property.

Sale of personal property. (43) To provide for the sale at public auction, or at private sale, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

Trusts. (44) To provide for the execution of all trusts confided to the city.

Street grades.

Street grades. (45) To establish or change the grade of any street or public place.

Street work.

Street work. (46) To do, make, construct and provide for work, improvements, structures, grading, conduits and ornamentation in and on public streets, avenues, lanes, alleys, courts, ways and places; to order the whole or any portion or portions, either in length or width of any one or more of the streets, avenues, lanes, alleys, courts, places or public ways of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled

or regravelled, piled or repiled, capped or recapped, oiled or reoiled, and to order the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances; pipes, hydrants, and appliances for fire protection; tunnels, viaducts, conduits and subways, breakwaters, levees, bulkheads and walls of rock or other material to protect the same from overflow or injury by water; and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places or public ways; the planting of trees thereon, and the construction or reconstruction in, over or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection and breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys, courts, places, or public ways or property or rights of way of such city; to cause shade trees, plants and grass to be set out, planted and cultivated therein, and to provide for the care of the same; and also, to order drainage or sanitary sewers to be constructed on or through private property. Whenever, in the judgment of the council or the people, the cost and expense of any of the improvements (meaning every kind in this subdivision (46) aforementioned) is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control and all the proceedings shall be thereunder and in conformity thereto.

Street opening.

(47) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city, and to condemn and acquire any and all property necessary or convenient for those purposes. Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements in this subdivision (47) mentioned, is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners and secretaries shall be

Opening or
closing of
streets and
public places.

performed by or under the direction of the commissioner of public works of the city, who shall receive no compensation therefor. To make provision for the deposit with the treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire, conduit, sewer or other structure therein, of moneys sufficient to cover the cost of refilling and covering such opening and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made, and to provide for the doing of such work at the expense of the person, firm or corporation making such opening, such expense to be paid out of such deposit.

Boulevards.

Boulevards. (48) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in this charter.

Water front and wharves.

Water front. (49) To improve, keep in repair and control the water front of the city, to fix the rates of wharfage, dockage, bargeage, and tolls, and provide for the collection thereof, to license, regulate and control the landing, anchorage and moorage of steamboats, sailing vessels, barges, rafts, tug boats, house boats, and all other water craft within the jurisdiction of the city.

Regulation of public utility rates.

Regulation of public utility rates. (50) To fix and determine by ordinance the rates or compensation to be collected by any person, firm or corporation in the city, for water, gas, electricity, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

Regulation of railroads.

Regulation of railroads. (51) To regulate railroads, their tracks and cars, to compel the owners of two or more railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between or among them.

Railroads to keep streets in repair.

Grantee of railway franchise to clean and repair streets. (52) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under, or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track

or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place.

Spur tracks.

(53) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad which now enters or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose for excavating or filling a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of poles and wires.

(54) To cause the removal of poles and posts and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; and to cause the removal of all anchor posts or anchor wires or any other device for bracing poles, and to prevent the placing of any such devices.

Size and location of pipes.

(55) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs, hydrants, and all other pipes and conduits laid or constructed in the streets and public places: to regulate the construction, maintenance and repair of the same, and to require the filing of charts and maps showing the size, character and location of such mains, pipes, hydrants, fire plugs, conduits and other like matters.

Elections.

(56) To make all rules and regulations governing elections not inconsistent with this charter.

Civil service commission.

(57) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the

same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies may be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Firemen's pension fund.

Firemen's relief fund.

(58) To establish, maintain, regulate and provide for the distribution for the relief of such exempt members of the "Old Volunteer Fire Department" of the city of Stockton as shall have become incapacitated in course of duty in said department or debilitated by age or sickness, a fund to be known as the firemen's relief fund, and to so provide in the tax levy as that such levy shall yield each year as and for such fund a sum of not less than five hundred dollars.

Policemen and firemen's pension fund.

Pension and relief fund.

(59) To provide a pension and relief fund for policemen and firemen.

General charter powers.

Powers under charter.

(60) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter.

Powers mentioned in constitution.

Powers under general laws.

(61) Nothing in the foregoing specification of powers shall prevent the city from making and enforcing within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws.

ARTICLE IX.

FINANCE AND TAXATION.

The fiscal year.

Fiscal year.

SEC. 75. The fiscal year of the city shall commence upon the first day of January of each year, or at such other time as may be fixed by ordinance.

Tax system.

Tax system.

SEC. 76. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes.

The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Stockton is situated and taxes collected by the tax collector of said county for and on behalf of the city of Stockton. Other provisions of this charter concerning the assessment,

levy, and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department estimates of annual requirements.

SEC. 77. On or before the first Monday in October in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards, and commissions shall send to the commissioner of finance, revenue and public supplies a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Department estimates of annual requirements.

Annual estimate of city's requirements and revenue.

SEC. 78. On or before the first Monday in November in each year, or on such date in each year as shall be fixed by the council, the commissioner of finance, revenue and public supplies shall submit 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 the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; 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.

Annual estimate of city's expenditures and revenue.

Annual budget.

SEC. 79. The council shall meet annually not later than thirty days prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable. No part of the items so allowed each department, office, board or commission shall be transferred to any other department, office, board or commission, unless by unanimous consent and the consent of the department, office, board or commission affected.

Annual budget.

Board of equalization.

SEC. 80. The council shall meet at their usual place of holding meetings on the second Monday in January of each year or at such date in each year as shall be fixed by the council, 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 for six days. They shall have power, on their own motion, with or without complaint made, to correct, modify, strike out, raise or lower any assessment in any way they shall deem just and proper: *provided, however*, that before making any raise in any assessment, the board shall notify the person interested by letter deposited in the post office, postpaid and addressed to such

Board of equalization.

person, at least two days before action taken, of the day fixed when the matter will be investigated. They shall have power upon completion of this equalization to raise or lower the entire assessment by a uniform percentage.

Annual tax levy.

Annual
tax levy.

SEC. 81. The council must finally adopt, not later than six days after completion of the equalization, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Permanent water front improvement.

Water front
improvement
fund.

SEC. 82. For the purpose of providing for permanent water front improvements four per cent of the revenue actually collected for general purposes shall be set aside and applied to the construction of permanent improvements along the channels fronting on public streets and levees within the corporate limits of the city.

Cash basis fund.

Cash basis
fund.

SEC. 83. The council may create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than five cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The council shall have power to transfer from such cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax liens.

Tax liens.

SEC. 84. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall

attach each year as of the first Monday in the fourth month preceding the fiscal year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real 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 and with like right of redemption as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the auditor. Books, receipts.

SEC. 85. (1) The auditor shall keep and number a record of all demands allowed by him showing the date of approval, amount, and name of original holder, the number, on what account and out of what fund payable. It shall be his duty to be constantly acquainted with the exact condition of the treasury. He shall within one week after the close of each month, or oftener if required, report to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue was derived and how expended. The auditor must prepare, countersign and deliver, from time to time, or as required, to the proper officer, agent or employee, all licenses and other receipts, charging him therewith and taking his receipt therefor.

Duties of auditor; reports, books, licenses and receipts.

Warrants and demands.

(2) He shall draw and sign all warrants upon the treasury. Every demand against the city, from whatever source, when allowed by the council or proper board, shall have stamped upon it the date of approval by such body, and shall be signed by the president of such body, and shall then be presented to the auditor, who shall satisfy himself whether the money is legally due and remains unpaid and its payment authorized by law and out of what fund. After such examination he shall approve or reject the claim in whole or in part and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved, the fund out of which it is to be paid shall be designated. If it is not approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the auditor shall reject it and return it, with his reasons for rejection, to the body which originally authorized it; then, if it is allowed by a four-fifths vote of the entire body authorizing it, it shall be audited in the same manner as if it had not been rejected, *provided*, the body had the authority to make the expenditure out of which the claim arose.

Warrants and demands.

*Contents of claims.*Contents
of claims.

(3) No demand upon the city treasury shall be considered, presented for action or acted upon, allowed or approved, unless it specifies on its face each several item composing it, and the amount and date thereof, nor unless the same be verified by the oath of the claimant, or some one in his behalf. Every demand on any fund 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, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed.

*Deductions and limitations.*Deductions
and limita-
tions.

(4) No demand upon the treasury shall be allowed by the auditor, in favor of any officer, or other person, or any firm, company, or corporation, or his or its assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the city council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the city council.

*Certification to treasurer.*Certification
to treasurer.

(5) 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 treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall charge the treasurer with the amount received. 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 forthwith notify the treasurer of such apportionment.

*Entitled to information.*Entitled to
information.

(6) The auditor shall have the right to require from the different departments, boards and offices, all the information which they possess, and to inspect any book, contract, resolution, or other paper or document in the respective departments, boards or offices; and it is hereby made the duty of all such departments, boards and offices, to furnish the information and permit the inspection when required by the auditor. He shall perform such other duties as may be required of him by law or ordinance.

*Disposition of money collected.*Disposition
of city
collections.

SEC. 86. Every official, agent or employce collecting or receiving moneys belonging to or for the use of the city shall

settle for the same with the auditor on or before the first Monday of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the city treasury, on the order of the auditor. No payment of salary or wages shall be made to any officer, agent or employee who shall be in receipt of moneys payable to the city, until he shall have taken and filed with the auditor his affidavit that he has paid into the city treasury all such moneys theretofore by him received or collected. The council may in its discretion, provide for the deposit of city moneys in local banks.

Money to meet warrants.

SEC. 87. When the running expenses of the city have been placed on a cash basis, and the fact so determined by the council, warrants payable on demand shall not be drawn upon the treasurer, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants. City expenses on cash basis.

Uniform accounts and reports.

SEC. 88. The council shall prescribe a system of accounting for all officers of the city who receive or disburse moneys. System of accounting.

ARTICLE X.

PUBLIC WORK AND SUPPLIES.

Form of contracts.

SEC. 95. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Stockton by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose. City contracts.

Progressive payments on contracts.

SEC. 96. Any contract may provide for progressive payments, if in the ordinance or resolution authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board. Progressive payments on contracts.

Public work to be done by contract.

SEC. 97. In the erection, improvement and repair of all public buildings and works, in all street, bridge, wharf and sewer work, and in all work in or about streams, channels, or water front, or in or about bulkheads, embankments or other Work done by contract.

works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of six hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days. Such notice shall distinctly and specifically state the work contemplated to be done; *provided, however*, the council may reject any and all bids, and may readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for lighting.

Lighting
contracts.

SEC. 98. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than five years nor for less than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Contracts for water.

Water
contracts.

SEC. 99. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed those charged to any other consumer.

Hours of labor.

Hours of
labor.

SEC. 100. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with bidder.

Collusion
with bidder.

SEC. 101. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by bidder.

Collusion
by bidder.

SEC. 102. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded in any manner with any other bidder or bidders, person or persons, party or parties, then the contract

so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

Personal liability of officers.

SEC. 103. Any officer of the city authorizing, or aiding to authorize, or auditing, or allowing, or paying any claim or demand upon or against the city treasury or any fund of the city, in violation of any of the provisions of this charter, of the general law or of the constitution of the 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.

Personal liability of officers.

ARTICLE XI.

FRANCHISES.

Property rights of the city inalienable.

SEC. 120. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

Property rights of city inalienable.

No use of streets without a franchise.

SEC. 121. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

No use of streets without franchise.

Ordinance in plain terms.

SEC. 122. No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Construction of ordinances.

Franchise specify streets.

SEC. 123. All franchises, permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable. No franchise, permit or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

Franchises must specify streets.

Franchises to use streets.

SEC. 124. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway or other public place or to lay

Granting of franchise to use streets.

pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Application for franchises.

Application
for franchise.

SEC. 125. (1) An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in a daily newspaper of the city. The publication of such advertisement must run for ten successive issues and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application.

Conditions of grant.

Conditions
of grant.

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city semi-annually during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, *provided*, that such percentage be not less than two per cent of said gross annual receipts during the first five years, not less than three per cent during the second five years, not less than four per cent during the third five years, and not less than five per cent for the rest of the life of the franchise.

Bidding for the franchise.

Bidding for
franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as guarantee of good faith.

Deposit to
accompany
bid.

(4) Every application and bid for franchises under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Free competition in bidding.

(5) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Free competition in bidding

Bond.

(6) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond. Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the council be granted by ordinance to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise may, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Bond to be given by successful bidder.

Life of franchises.

SEC. 126. The maximum length of time for which a franchise or privilege to use the streets, highways, alleys, lands, or other public places of the city may be granted to any person, firm or corporation shall be twenty-five (25) years.

Life of franchises.

Beginning and completion of work.

SEC. 127. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise and diligently prosecuted to completion, and if not so commenced within said time, and diligently prosecuted to completion said franchise shall be forfeited. Work under any franchise so

Time within which work must be commenced and completed.

granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than two years from the date of the final passage of the ordinance granting said franchise, and if not so completed and in operation within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months.

Extension
of time.

Service and accommodation.

Service and
accommoda-
tion.

SEC. 128. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and charges.

Rates and
charges.

SEC. 129. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of city to assume ownership.

Right of
city to
assume
ownership.

SEC. 130. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

No conveyance necessary for city's ownership.

SEC. 131. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair

valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

No conveyance necessary to acquire ownership by city.

Lease or assignment of franchise.

SEC. 132. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city expressed by ordinance, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; provided, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Lease or assignment of franchise.

Street sprinkling, cleaning and paving.

SEC. 133. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Street sprinkling, cleaning and paving by holder of franchise.

Examination of company's books. Audit.

SEC. 134. The city of Stockton, by its auditor, or accountants authorized by the auditor, or by the council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same semi-annually.

Examination and auditing of books.

Annual reports of company.

SEC. 135. Every person, firm or corporation, operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Annual report required.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation within the city of Stockton for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Payment of gross receipts.

Percentage
of gross
receipts.

SEC. 136. The stipulated percentage of gross receipts shall be paid semi-annually at the time of filing the semi-annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for non-compliance.

Forfeiture
of franchises.

SEC. 137. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

No exclusive use of water front tracks.

No exclusive
use of water
front tracks.

SEC. 138. No exclusive franchise, right or privilege shall ever be granted by the city or council in, upon or along the water front; but any franchise, right or permit for a railroad track in, over or along the water front shall be subject to the right of any other railroad or railroads to use the same upon payment of a reasonable compensation.

Franchise not in use forfeited.

Franchises
not in use
forfeited.

SEC. 139. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise. Granting use of streets shall be without prejudice to unused tracks or tracks for which no franchise is extant.

ARTICLE XII.

THE INITIATIVE.

Direct legislation.

Ordinance
proposed by
electors.

SEC. 140. (1) Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

Provisions of section six apply.

(2) The provisions of section 6 of article II respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modification as the nature of the case requires.

Provisions which apply to submission.

Twenty per cent petition.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

Twenty per cent petition.

(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 article XIII of this charter; or

Action of council thereon.

(b) Within thirty days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

Ten per cent petition.

(4) If the petition be signed by electors equal in number to at least ten, but less than twenty, per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, 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.

Ten per cent petition.

Action of council thereon.

Publication of popular ordinance.

(5) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in a daily newspaper of general circulation 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 ballots as first above provided.

Publication of popular ordinance.

Election.

Election.

(6) The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance" (setting forth in full the title thereof and stating the 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 valid and binding ordinance of the city.

Several ordinances at one election.

No limit on number of ordinances.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article, provided that no ordinance shall be submitted twice within a year.

Limit to special elections.

Limit to elections.

(8) There shall not be held under this article of the charter more than one special election in any period of six months.

Repeal of popular ordinance.

Repeal of popular ordinance.

(9) 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 municipal 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. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Further regulations.

Further regulations.

(10) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section 6 of article II thereto.

ARTICLE XIII.

THE REFERENDUM.

Time for effect of ordinances.

Time ordinances go into effect.

SEC. 145. Except as provided in the following section one hundred and forty-six, no ordinance passed by the council shall go into effect before thirty days after the time of its final passage.

Exceptions to foregoing rule.

Exceptions to foregoing rule.

SEC. 146. The preceding section one hundred and forty-five shall not apply to ordinances making the annual tax levy, ordinances in proceedings under the general laws of the state for street work or improvements or in any case where the procedure must be or is under such laws, nor to 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 four-fifths vote of the council, but no ordinance granting a franchise shall be construed as an urgency measure.

Petition, selection, procedure, effect.

SEC. 147. If at any time within thirty days from and after the final passage of an ordinance a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, such ordinance shall thereupon be suspended from going into effect or operation, and it shall be the duty of the council to reconsider such ordinance, and if upon such reconsideration the ordinance be not entirely repealed, the council shall submit the ordinance, as provided in article XII of this charter to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of section 6 of article II respecting the forms and conditions of the said petition and the mode of verification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Petition by electors that ordinance passed by council be referred to popular vote.

Reference of measures to popular vote.

SEC. 148. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may be legally submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Reference of measures to popular vote on motion of council.

Further regulations.

SEC. 149. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of section 6 of article II thereto.

Further regulations.

ARTICLE XIV.

THE PUBLIC SCHOOLS.

Powers of city.

SEC. 150. So far as consistent with the constitution and general laws of the state, the city shall have power to maintain and provide for public schools of any grade, within its territorial limits or territory annexed to the city for public school purposes inclusive of the schools belonging to the public school system of the state.

Powers of city with reference to schools

*Control of schools.*Control
of schools.

SEC. 151. The board of education shall have entire control and management of any public schools within the city or within any school district of which the city is or may become a part and is hereby vested with all the powers conferred and with all the duties imposed upon it by this charter or by the general laws of the state upon boards of school trustees generally, so far as applicable to a city board of education, or upon city boards of education generally, so far as applicable to the city.

*General powers of board of education.*General
powers of
board of
education.

SEC. 152. The board of education shall have power, subject to the provisions of this charter and of the constitution and general laws of the state, to make rules for its own guidance and in direction of the officers, teachers and employees of the school department, and to control, manage, maintain and conduct the public schools under its charge in such manner and by such means as in the judgment of said board are for the efficiency and good of the public schools under its charge.

*President of board.*President
of board.

SEC. 153. The board of education shall annually select one of its members to be its president. He may be removed by a vote of four members. He shall have no other vote than his vote as member of the board.

*City superintendent of schools.*City super-
intendent of
schools.

SEC. 154. The board of education shall appoint a city superintendent of schools, who shall be the executive officer of the board, who may be required to act as its secretary. The board may define his duties, fix his compensation, and, whenever the laws of the state permit, the term of his office and provisions for his removal therefrom.

*Meetings of board.*Meetings of
board.

SEC. 155. The board of education shall provide for regular meetings and may provide for special ones. All meetings shall be public. Three members shall constitute a quorum but a less number may adjourn from day to day and compel the attendance of absenting members.

*Term for teaching.*Term of
teachers.

SEC. 156. The teachers of the public schools shall be subject to annual election, but any teacher who has served for as many as two consecutive years in the city schools may be elected for a longer period, not exceeding three years, which must be definitely specified in and by the elective action, of which a record must be made in the minutes of the meetings of the board.

*Manner of selecting teachers.*Selection
of teachers.

SEC. 157. It shall be the duty of the city superintendent of schools to prepare and present to the board at suitable times

or upon request of the board a list of such persons as in his judgment are the best available for election as teachers, specifying as to each whether generally or for particular work or station.

Assignment of teachers.

SEC. 158. The city superintendent of schools shall, with the advice and consent of the board, make all assignments of principals and teachers, and all transfers, but this provision shall not prevent the superintendent of schools from making temporary transfers or substitutions.

Assignment
of teachers.

School warrants.

SEC. 159. Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board, a certificate of such approval shall be endorsed thereon signed by the president of the board and its secretary, and a warrant upon the school fund specifying the matter for which it is drawn, shall be issued thereon for the payment of such claim.

School
warrants.

Estimates of expenses.

SEC. 160. It shall be the duty of the board of education annually, and oftener when necessary, and at suitable times, and when and in the manner provided by law, to make and to present to the officers and the boards or bodies now or hereafter designated to receive the same, careful estimates of the amount or amounts required for the adequate support and maintenance of the public schools under the control and management of the board, and in so doing shall not only comply with the requirements of the law but also use all reasonable effort and diligence to make said estimates such in form, substance and particularity as to enable the board or body charged with the taxing power to proceed advisedly in the matter of levying taxes for the support of the public schools under the charge and control of the board of education of the city.

Estimates
of expenses.

ARTICLE XV.

BOARD OF LIBRARY TRUSTEES.

SEC. 165. The public libraries created or existing in this city shall be managed and controlled by a board of library trustees, consisting of five members, to be appointed by the council, each to serve five years from and after the first day of July next after his appointment. One trustee shall be appointed each year, at a regular meeting, in the month of June. Said board of library trustees shall have such powers and duties as now are or hereafter may be prescribed by the statutes of the State of California or by the ordinances of the city of Stockton.

Public
libraries.

ARTICLE XVI.

MISCELLANEOUS.

*When this charter takes effect.*Time charter
takes effect.

SEC. 170. For the purpose of nominating candidates and electing mayor, councilmen and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for the purpose of taxation and assessment, it shall take effect on the first Monday in September following; and for all other purposes it shall take effect on the first Monday in January following said first Monday in September.

*First election under this charter.*First elec-
tion under
charter.

SEC. 171. The city council of the city of Stockton 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 votes, declare the result and approve the bonds of all officers elected at such election.

*Terms of incumbents in office.*Terms of
incumbents
elected under
former
charter, how
affected.

SEC. 172. The mayor, the members of the city council, the auditor, the treasurer, assessor and tax collector, and the members of the board of education 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 in January, as provided in section 170, and the election and qualification of the mayor, councilmen and school directors, respectively, first elected under this charter, and each public library trustee until his term expires and his successor elected and qualified.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare; and the powers and duties of their offices continue, so far as consistent with this charter, until by action under this charter it is determined or provided otherwise.

*Assessment for first fiscal year under this charter.*First assess-
ment under
charter.

SEC. 173. It shall be the duty of the city assessor in office when this charter takes effect for the purposes of assessment and taxation, as provided in section 170 aforesaid, to prepare between the first Monday in September, following the approval of this charter by the legislature and the fifteenth day of December, following, and present to the city clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for state and county purposes, proceeding substantially as provided in the charter of which this is the successor.

*Existing ordinances continued in force.*Continuation
of existing
ordinances.

SEC. 174. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Conduct of legal proceedings.

SEC. 175. The council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein. The city attorney shall attend all meetings of the city council. The city attorney must not be attorney, directly or indirectly, for any public service corporation doing business within or with the city of Stockton.

Conduct
of legal
proceedings.

CERTIFICATE.

WHEREAS, The city of Stockton, a city containing a population of more than ten thousand inhabitants, did, on the sixteenth day of May, in the year nineteen hundred and eleven, at a general election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, elect D. J. Matthews, Ansel Williams, M. J. Gardner, D. B. Morrill, L. H. Frankenheimer, J. R. Koch, W. H. Hobin, Richard Godsil, R. W. Bonney, George E. Catts, A. C. Oullahan, C. D. Bass, J. W. Kinnear, G. E. Bartholomew and E. E. Cramer a board of freeholders to prepare and propose a charter for said city,—

Certificate
of board of
freeholders.

Be it known, that in pursuance of said provision of the constitution and within ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Stockton.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate this 14th day of August, in the year one thousand nine hundred and eleven.

GEORGE E. CATTS, President.
C. D. BASS.
R. W. BONNEY.
RICHARD GODSIL.
J. W. KINNEAR.
G. E. BARTHOLOMEW.
M. J. GARDNER.
J. R. KOCH.
A. C. OULLAHAN.
ANSEL WILLIAMS.
L. H. FRANKENHEIMER.
W. H. HOBIN.
E. E. CRAMER.

Attest: D. J. MATTHEWS, Secretary.

STATE OF CALIFORNIA, }
COUNTY OF SAN JOAQUIN, } SS.
CITY OF STOCKTON. }

I. R. R. Reibenstein, mayor of the city of Stockton, State of California, do hereby certify that the board of fifteen freeholders, of whose names fourteen appear signed to the foregoing proposed charter, were, on the 16th day of May, 1911, at a general municipal election held in the city of Stockton on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that at the time of

Certificate
of mayor
and city
clerk.

said election each of said fifteen freeholders was and for more than five years next prior thereto had been a qualified elector and freeholder in and of said city; that the foregoing is a true copy of said charter prepared and proposed by said board of freeholders, and returned by the same, signed in duplicate by more than a majority, to wit: fourteen of said freeholders, one copy to the mayor of said city, and the other copy to the county recorder of the county of San Joaquin, State of California, and filed in the office of said county recorder, each and both said copies of said charter being so as aforesaid returned to said mayor and said county recorder within ninety days after said election of said freeholders, and as required by section 8 of article XI of the constitution of the state; that thereafter said proposed charter was published in the "Stockton Daily Evening Record" and in "The Mail," each of the same being a daily newspaper of general circulation in said city, for at least twenty days, and the first said publication in each and both said newspapers was made within twenty days after the completion of said charter; that within thirty days after the said publication of said charter as required by section 8 article XI of the constitution of the state, to wit: on the 17th day of October, 1911, said proposed charter was submitted to the qualified electors of said city at a special municipal election therein and for the purpose of ratifying or rejecting the same; that by a majority of the votes of the qualified electors of said city voting at said election and by a majority of the electors of said city voting thereon, the said proposed charter was ratified, and that in all matters and things pertaining to said proposed charter, all provisions of said section 8 of article XI of the constitution and 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 Stockton to be affixed this 25th day of November, 1911.

R. R. REIBENSTEIN,
Mayor of the City of Stockton.

Attest: L. F. KUHN,

City Clerk of the City of Stockton.

[Corporate Seal of the City of Stockton]

Now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Stockton, as presented to 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 Stockton.

Approval
by the
legislature.

CHAPTER 6.

Assembly Concurrent Resolution No. 2—Approving charter of the city of Sacramento, county of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general election therein on the 7th day of November, 1911.

[Filed with Secretary of State December 20, 1911.]

WHEREAS, The city of Sacramento, a municipal corporation of the county of Sacramento, State of California, now is, and was at all the times herein mentioned, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants; and

Charter
of city of
Sacramento.

WHEREAS, At a special election duly held in said city on the 27th day of June, 1911, under and in accordance with 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 by the qualified electors of said city at said special election, duly called for that purpose, to prepare and propose a charter for said city and the government thereof; and

WHEREAS, Said board of freeholders did, within ninety days after their said election, prepare and propose a charter for said city of Sacramento, and the government thereof, which proposed charter was signed in duplicate by all of the members of said board of freeholders on the 25th day of September, 1911, and thereupon, and on said day, duly returned, one copy to the mayor of the city of Sacramento, and the other copy thereof to the county recorder of said county of Sacramento; and

WHEREAS, The said proposed charter was thereafter duly published in the *Sacramento Star* and in the *Sacramento Union*, they being daily newspapers of general circulation, printed and published in said city of Sacramento, and said publication as aforesaid continuing for a period of twenty days, the first said publication thereof being made within twenty days after the completion of said charter, as aforesaid; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication, submitted to the qualified electors of said city of Sacramento, at a general municipal election held in said city on the 7th day of November, 1911; and

WHEREAS, At the said last mentioned general election, a majority of the qualified electors of said city of Sacramento voting thereon, voted in favor of the ratification of said charter as proposed, as a whole, and ratified the same; and

WHEREAS, The board of trustees of the city of Sacramento duly canvassed the returns of said general election, and found

Charter
of city of
Sacramento.

and declared that the majority of the said qualified electors voting thereon at said general election had voted in favor of ratification of said charter, and had ratified the same; and

WHEREAS, Said charter is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power to alter or amend, in accordance with the provisions of section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter so ratified was and is in words and figures as follows, to wit:

CHARTER OF THE CITY OF SACRAMENTO, PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS, ELECTED JUNE 27, 1911, IN PURSUANCE OF THE PROVISIONS OF SECTION 8. ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER OF THE CITY OF SACRAMENTO.

ARTICLE I.

Name, rights, liabilities and boundaries.

Corporate
name.

General
powers.

Rights and
liabilities.

SECTION 1. The city of Sacramento, a municipal corporation, shall, after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, City of Sacramento, shall have, possess and exercise all powers and rights vested in said city of Sacramento under this charter and the laws of this state, together with such additional powers as are now, or may hereafter be exercised by or vested in any municipal corporation under the constitution or laws of this state, or are or may be considered as necessary to or promotive of the welfare, progress or advantage of said city of Sacramento or its inhabitants. It is the intention by and through this charter to confer upon and vest in said city of Sacramento plenary power touching all matters pertaining to the government, progress, advantage and interests of said city of Sacramento and the health, safety, convenience, advantage, protection, welfare and happiness of its inhabitants, which powers shall only be limited by the constitution of this nation or state or by this charter. Said city of Sacramento, as the successor in interest of the municipal corporation of that name, created and existing under precedent charters, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed or claimed, including rights of action, revenues, income, records, archives, claims, demands, ways, streets, alleys, levees, canals, public utilities and things in possession or in action, and as such successor of said existing municipal corporation, shall be subject to all debts, obligations, liabilities, dues and duties of said existing corporation, and may in its corporate name, institute, defend and maintain actions and proceedings in any and all courts or tribunals for the recovery of any property, claim or demand, for the protection, enforcement or preservation of any right, interest or thing owned or

claimed by said city of Sacramento under this or precedent charters or under any law or contract. Without in any way or to any extent limiting or curtailing powers hereinbefore conferred or mentioned, and for the sole purpose of removing all doubt concerning the exercise of powers hereinafter expressly mentioned, said city of Sacramento shall have power to acquire by purchase, bequest, devise, gift, condemnation, or other manner sanctioned by law, within and without the limits of said city, property of every kind and nature for all purposes, and especially for levees, parks, playgrounds, waterworks, sewers, bridges, ways, sanitary appliances or protection, public utilities, railroads, street railroads, electric and other plants and appliances for light, power and heat, canals, drains, water rights, mains and pipes, and may purchase, condemn, receive by gift, bequest or devise, construct, own, lease, let, operate, hold, establish and equip telephone and telegraph systems, cable, electric or other street railways, waterworks, gas works, electric light, heat and power works, within and without said city, to supply the city and its inhabitants and persons without said city with water, gas and electricity, and to sell gas, water, electric current, light, heat, transportation and all products of any public utility, and to establish, maintain, operate, equip and own, lease and let, ferries, railroads and transportation service of any and every kind.

Specific powers.

Boundaries.

SEC. 2. The boundaries of the city of Sacramento shall be as follows: Beginning at the junction of the center of the channel of the American river with the center of the channel of the Sacramento river as it existed on the twenty-sixth day of May, A. D. 1851, and running thence down the center of the channel of the Sacramento river to a point intersected by the center line of the Sutterville road, if extended west to the center of the channel of the Sacramento river; thence easterly to and along said center line of said Sutterville road and said center line produced to the center of the Freeport road; thence northerly along the center line of the Freeport road to its intersection with the center line of Whiskey Hill road, if extended westerly to the center of the Freeport road; thence to and along the center line of said Whiskey Hill road to its intersection with the section line between sections thirteen (13) and twenty-four (24), township eight (8) north, range four (4) east; thence east on said section line to the northeast corner of section twenty-one (21), township eight (8) north, range five (5) east, Mt. Diablo base and meridian, thence north along the section line between sections fifteen (15) and sixteen (16), and between sections nine (9) and ten (10), in said township and range, to the center line of Valley avenue; thence northeasterly along the center line of Valley avenue and along the center line of said Valley avenue, if extended, to the northeasterly line of the base of the city levee; thence northerly and westerly along the northerly line of the base of said levee

Boundaries defined.

to the east line of Thirty-first street of the city of Sacramento; thence northerly thereon to the north line of "A" street; thence westerly along the north line of "A" street to the east line of Twenty-second street; thence northerly along the east line of Twenty-second street to the north line of "B" street north; thence westerly along the north line of "B" street north to the center of the bed or channel of the American river as it existed on the twenty-sixth day of May, A. D. 1851; thence down the center of the channel of said American river as it existed on the twenty-sixth day of May, 1851, to the place of beginning.

Boundaries continued.

SEC. 3. The boundaries of said city of Sacramento shall continue as now established until changed in some manner authorized by law.

ARTICLE II.

OFFICERS AND GOVERNMENT.

Elective officers.

Elective officers, and term of office.

SECTION 4. The elective officers of the said city of Sacramento shall be five city commissioners, who shall be ex officio members of the city board of education. Each of said elective officers shall hold office for the term of five years from and after the first day of July next succeeding his election, subject, however, to recall and removal from office, as hereinafter and by general laws provided, and subject also to classification of the city commissioners after the first election under this charter as in section five provided.

Classification.

Terms of commissioners first elected.

SEC. 5. After the election of the first commissioners held under this charter, the respective terms of the city commissioners so elected, shall be determined as follows: The person elected by the highest number of votes cast shall hold office for the term of five years; the person elected by the second highest number of votes shall hold office for four years; the person elected by the third highest number of votes shall hold office for three years; the person elected by the fourth highest number of votes shall hold office for two years; and the person elected by the lowest number of votes shall hold office for one year. In the event that two or more city commissioners shall be elected by the same number of votes, the term of each shall be fixed by lot. The length of the term of each shall be longer than that of any commissioner receiving a less number of votes. The commissioners elected at the first election shall take precedence over those elected at the second election. If a vacancy occurs in the office of city commissioner, the city commission shall appoint an eligible person to fill such vacancy until the next election at which a commissioner is to be elected. The office shall then be filled by election for the unexpired term.

Vacancies in city commission.

Exercise of power.

Powers exercised by commission.

SEC. 6. The powers vested in said city of Sacramento as a municipal corporation shall be exercised by and through a city commission composed of the city commissioners.

The city commission shall establish and enforce rules for its proceedings. It shall have power to punish its members for disorderly conduct in its presence. The commission shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience of its subpoena, or contemptuous or disorderly conduct in its presence, by a fine or by imprisonment in the city jail, or by both such fine and imprisonment. The city commission shall also have power to settle by the affirmative vote of three members, conflicts arising between two or more commissioners as to their respective rights, powers and duties concerning the subject matter in dispute, and to determine by a like vote all general administrative policies. Each commissioner shall have power to administer oaths and affirmations relating to any business brought before the commission, or under consideration by any committee or department thereof, and to compel the giving of testimony concerning such matter.

Rules for proceedings.

Meetings.

SEC. 7. The city commission shall have an office in the city hall, and shall meet in regular session at least twice each week, upon such days and at such hours as it may, by ordinance, designate. Special meetings of the city commission may be held at any time upon the order of the president, or upon the written request of any two commissioners, filed with the city clerk; *provided*, that said order or said request shall set forth the object of the special meeting. The city clerk shall give such notice to each commissioner of the time of said special meeting and the subject thereof, as the commission may, in its rules prescribe. At such special meeting no business shall be transacted other than that specified in said notice or said request. Executive sessions of the city commission may be held at any time; *provided*, that no executive session shall be held with any person present other than officers, elected or appointed, or employes of the city. All legislative sessions of the city commission, whether regular or special, shall be open to the public. A majority of the members of the city commission shall constitute a quorum for the transaction of business. A less number may adjourn from time to time and may compel the attendance of absent commissioners.

Members, regular and special.

Executive sessions.

Legislative sessions to be public.

Quorum.

Organization of city commission.

SEC. 8. Said city commission shall annually, at its first meeting in July, elect one of its members as president of the city commission, and one of its members as vice-president. If the president should be absent, or for any reason unable to act, the vice-president, during such absence, or inability, shall perform all the duties of the president.

Organization of city commission.

Departments.

Distribution
of city powers
among
departments.

SEC. 9. The executive and administrative powers of said city shall be distributed among and assigned to five departments, as follows:

1. Department of public works.
2. Department of streets.
3. Department of public health and safety.
4. Department of education.
5. Department of finance.

Assignment
of commis-
sioners.

Each of the members of the city commission shall, by majority vote of said city commission, be assigned to one of the departments, over which he shall have special oversight, charge and supervision, subject to the provisions of this charter and the ordinances of the city; *provided, however*, that in the event of the failure or inability of the city commission to make such assignment within five days after organizing, it shall become the duty of the president to assign, and he must assign, one commissioner to each of such departments. The member assigned to each department shall be designated as the commissioner of such department. Each commissioner, when assigned to a department shall serve as commissioner of that department during his term of office, unless such assignment shall be changed or revoked by the city commission by a four-fifths vote.

Special
duties of
president.

The president of the city commission shall have charge of all civic functions, celebrations, receptions and courtesies; he shall, in behalf of the city, execute all contracts of every kind and nature to which the city is a party, and shall perform such other ministerial functions as the city commission may from time to time direct.

Commis-
sioner of
public works.

The commissioner of public works shall have charge and supervision of the construction and maintenance of all public buildings belonging to or used by the city, except school buildings; of the construction, operation and maintenance of all levees, wharves, docks, slips, quays, water front property and waterworks belonging to or under the control of the city, and of all public utilities or undertakings of every kind and nature owned or operated by the city. He shall also have charge and supervision of all relations between the city and its inhabitants with all persons, firms or corporations furnishing or providing any public service or public utility to the city or the inhabitants thereof, and it shall be his duty to enforce the provisions of all laws, franchises or permits under which any of such persons, firms or corporations furnishing public service or public utilities to the city or its inhabitants are operating, and to compel due observance of all standards of service or other regulations affecting the same prescribed by law or the ordinances of the city.

Commis-
sioner of
streets.

The commissioner of streets shall have supervision and control of the alteration, opening, care, construction and paving of all ways, streets, boulevards, alleys and sewers belonging to or under the control of the city. He shall also supervise and

direct all work done on, in, under or above all streets, alleys and other public ways of the city in connection with the construction, maintenance, or repair of any and all structures or installations of every kind and nature authorized by law, or by ordinance, to be erected, constructed, installed, laid down, maintained or repaired on, in, under or above any such street, alley or other public way within the city. It shall be his duty to prevent the unlawful use or occupation of, or damage to, any portion of any street, alley or other public way within the city, whether on, in, above or below the surface thereof, and to prosecute all persons unlawfully using, occupying or damaging the same or any part thereof, and to sue in his own name for such damages.

The commissioner of public health and safety shall have supervision over the police department, the fire department, the health department, building inspection, food inspection, hospitals, cemeteries, sumps, pounds, the inspection and cleaning of all sewers and all matters affecting the health and safety of the inhabitants of the city.

Commissioner of public health and safety.

The commissioner of education shall have supervision of all parks and playgrounds, subject to the direction of their respective boards of directors, and shall be ex officio president of the said boards. He shall have supervision, under the direction of the board of education, of all school buildings, property and grounds, and of the construction, maintenance and repair thereof. He shall have supervision of the municipal employment office, of all libraries, art galleries, theaters, places of amusement, exhibitions, entertainments, humane and reformatory boards, institutions and societies, and of all matters affecting the intellectual and moral advancement of the city, other than police and sanitary regulations.

Commissioner of education.

The commissioner of finance shall have supervision and control of all financial matters of the city, except as otherwise provided in this charter.

Commissioner of finance.

The commission may by ordinance, four members voting therefor, reassign any of the duties and powers above specified, and may in such manner transfer any powers and duties from one department to another. Any duties not herein enumerated may be delegated by the city commission to the commissioner of any of the said departments.

Reassignment of duties and powers.

Appointive officers.

SEC. 10. The city commission shall, at its first meeting, or as soon as practicable thereafter, appoint and by ordinance prescribe the duties of the following officers, who shall be known as officers of the first class, and shall hold their offices at the pleasure of the city commission:

Appointive officers of the first class.

1. City attorney.
2. City assessor.
3. City treasurer.
4. City collector.
5. City auditor.

6. City clerk.
7. City engineer.
8. Judge of the police court.
9. Purchasing agent.

Appointment
of deputies.

Each officer of the first class shall have power, subject to the provisions of article XV, to appoint such deputies, clerks and other employes as the city commission may by ordinance prescribe.

Appointive officers—Second class.

Appointive
officers of
the second
class.

SEC. 11. The following officers, to be known as officers of the second class, shall be appointed by, and hold office at the pleasure of the city commissioner who has supervision of the department to which such officers are assigned, respectively:

1. City librarian.
2. Superintendent of streets.
3. Health officer.
4. Chief of police.
5. Chief of the fire department.
6. Municipal employment agent.
7. City machinist.
8. City building inspector.
9. City electrician.
10. Chief engineer of the waterworks.

Officers and
deputyships.

The city commission may, by ordinance, create, consolidate or abolish offices, prescribe the duties thereof and assign each to the proper department, and may, in like manner, create and abolish deputyships for all offices of the first and of the second class. The commissioner of each department may, subject to the provisions of article XV, employ such subordinates, laborers and other employes as may be necessary to carry on the work under his supervision, and discharge them. In the appointment or employment of all officers and employes of the city, religious and political professions and beliefs shall be totally ignored.

Present officers.

Present
officers.

SEC. 12. Until the election or appointment and induction into office of the officers and employes in this charter provided for, the present officers and employes shall, without interruption, continue to perform the duties of their respective offices and employments in the manner and for the compensation provided by the precedent charter or the existing local or general laws.

Restrictions upon officers and employes.

Restrictions
upon officers
and em-
ployees.

SEC. 13. No salaried officer of the city, elective or appointive, except as in this charter provided, shall hold any salaried office, position or employment in the national, state or county government. No person shall be elected or appointed to any office, position or employment, the compensation of which was increased or fixed by the city commission while he was a member thereof, until after the expiration of at least one year from

the date when he ceased to be a member of the city commission. No officer of the city, whether elective or appointive, nor any clerk, assistant or employé, shall be interested directly or indirectly in any contract or transaction with the city, or with any department, board, officer or employé thereof, nor become surety for the performance of any contract or contracts made with or for the city, upon any bonds given to the city. The violation of the provisions of this section by any such officer, clerk, assistant or employé shall work the forfeiture of such office or employment.

Shall receive no commission or profit.

SEC. 14. No officer, clerk, assistant or employé shall receive any commission, money or thing of value, or derive any profit, benefit or advantage, direct or indirect, from or by reason of any dealings with or services for the city by himself or others, except his lawful compensation as such officer, clerk, assistant or employé.

Not to receive commission or profit.

Salaries.

SEC. 15. The salary of each of the commissioners shall be thirty-six hundred dollars (\$3,600) per annum. The city commission shall fix and prescribe, by ordinance, the salaries and wages of all other officers and employés of the city; *provided, however,* the wages of employés in the labor division shall not, in any case, be less than three dollars (\$3.00) per working day; *and provided, further,* that no officer or employé of the police or the fire department shall, at any time, receive a less salary than that paid to officers or employés of similar rank in such department at the time of the adoption of this charter. All salaries shall be payable in equal monthly installments, and shall be in full compensation for all duties and services performed by all officers and employés of the city.

Salaries.

Oaths.

SEC. 16. Every officer, elective or appointive, shall, before he enters on the duties of his office, take, subscribe and file with the city clerk, an oath or affirmation to support the constitution of the United States, and the constitution of the State of California, and faithfully to perform the duties of the office upon which he shall be about to enter.

Oath of office.

Bonds.

SEC. 17. Every officer, elective or appointive, shall, before he enters upon the duties of his office, give a bond to the city of Sacramento in such sum as shall be prescribed by this charter, or by ordinance duly passed by the city commission, and any officer, elective or appointive, required by law or by this charter or by ordinance to give a bond, shall not be deemed qualified for his office or employment until such bond has been duly approved and filed. All such bonds, excepting those of the commissioners, must be approved by the city commission. Each of the city commissioners shall, before entering upon the

Bonds of city officers or employes.

duties of his office, give a bond to the city of Sacramento, approved by a judge of the superior court of Sacramento county, in the sum of twenty thousand dollars (\$20,000). Bonds of other officers or employes of the city of Sacramento shall be fixed by ordinance duly passed by the city commission. All bonds, except that of the city auditor, shall be filed with the city auditor within ten days after the election or appointment of any officer or employe required to give a bond has been legally made or declared. The bond of the city auditor shall be filed with the city treasurer within the time above limited. Bonds of surety, guaranty, indemnity or insurance companies which are organized and empowered by law to give such bonds, may be given subject to the requirements hereinafter contained. No bonds shall be held void because of any defect in form, recital, conditions or substance, nor shall any principal or surety be discharged from liability thereon because of any such defect; but every bond intended as an official bond, or any employe's bond under this section, shall hold and bind the parties to it to the full extent contemplated by the law, charter or ordinance requiring the same. No warrant in favor of any person performing any service for the city who is required to give bonds to the city shall be drawn by the auditor or paid by the treasurer unless the bond of such person shall be approved and filed, as in this section provided, prior to the issuance or payment of any such warrant. No bond or undertaking with a corporation or corporations as surety thereon shall be accepted or approved unless at the time such bond or undertaking is presented for approval there shall be on file in the office of the county clerk of Sacramento county:

Surety
companies.

No bonds
void because
of defects.

Requirements
to which
bonds of
surety com-
panies are
subject.

First—A copy, duly certified by the proper authority, of the charter or articles of incorporation of such surety company, showing the power of such corporation to become a sole surety on such bond or undertaking.

Second—A copy, duly certified by the proper authority and attested by the seal of the corporation, of the transcript or record of appointment entitling or authorizing the person, or persons, purporting to execute such undertaking or bond for and in behalf of such corporation, to act in the premises; *provided, also*, that the fact of the execution of such bond or undertaking by the agent or attorney in fact of the corporation purporting to become sole surety on such bond or undertaking shall be duly attested and acknowledged before an officer authorized by law to take and certify acknowledgments in this state.

Third—The certificate or copy thereof, duly certified, of the insurance commissioner of the State of California, authorizing and empowering such corporation to do business in the State of California.

Fourth—A certificate issued by such corporation and attested by its secretary, under seal, stating the names and business addresses, if a domestic corporation, of the president.

vice-president (or vice-presidents, if there be more than one) and secretary of such corporation, or, if a foreign corporation, the name and business address of the person upon whom service of process is to be made within the State of California. The business addresses herein required shall include the name of the city or town, and the name and number of the street therein where each of such persons may be found during business hours; or, if in an office building, the name and location of the building, and the number of the room occupied by such person.

Attention to duties.

SEC. 18. All persons holding any office or clerical employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure to do so shall be ground for removal. Each city commissioner shall devote six hours daily, except Sundays and holidays, to the service of the city, and such additional time as the needs of the city may require. He shall have an office at the city hall set apart and furnished by the city commission, which shall be open for business from nine o'clock A. M. to five o'clock P. M. of every business day, Saturday afternoons excepted, and he shall keep such daily office hours as the city commission may prescribe, except when prevented by sickness or other good and sufficient cause, or when absent by permission of the city commission. Such office hours shall be posted conspicuously on the office door of the commissioner.

Attention to duties.

Office hours of commissioners.

Officers personally liable.

SEC. 19. Any officer guilty of official misconduct or malfeasance in office shall be personally responsible for all damages accruing thereby.

Officers personally liable.

Office to become vacant in certain cases.

SEC. 20. If any officer or employé of the city shall be convicted of felony or malfeasance in office, or be adjudged insane, or absent himself for one month from the city without leave, his office shall immediately become vacant, and the vacancy filled as in this charter provided.

Office to become vacant in certain cases.

ARTICLE III.

POWERS OF THE CITY AND OF THE CITY COMMISSION.

General powers of the city.

SECTION 21. Without limitation, denial or disparagement of other powers held under the constitution and laws of the state or granted by this charter, the city of Sacramento shall have the right and power:

Powers of the city.

SEC. 22. To acquire by purchase, condemnation or otherwise, property of every kind and nature, within or without the city limits, for all purposes, and to establish, maintain, equip,

Certain powers enumerated.

own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, work-houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, sewers, drains, street cleaning and sprinkling plants, street improvement and construction plants, quarries, wharves, docks, water ways, canals, levees, bridges, ways, sanitary appliances, and all other public buildings, places, works and institutions.

Water, light, heat and power.

Water, light,
heat and
power.

SEC. 23. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water-works, gas works, electric light, heat and power works or any other works for the production of a public utility, within or without the city, and to supply the city and its inhabitants and all persons, firms and corporations outside the city with water, gas and electricity, and the product of any other public utility.

Telephone, telegraph and transportation.

Telephone,
telegraph
and trans-
portation.

SEC. 24. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric, steam or other railways, ferries and transportation service of any kind. To construct, equip, maintain, own and operate underground conduits for carrying wires, pipes or other means of conduct for public utilities, whether provided by the city itself, or by individuals or corporations, and to lease the same for the use of individuals or corporations when such use is granted by franchise.

Land for public purposes.

Land for
public
purposes.

SEC. 25. To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey and dispose of the same for the common benefit.

Bequests and donations.

Bequests and
donations.

SEC. 26. To 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 bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Rivers and levees.

Rivers
and levees.

SEC. 27. The city of Sacramento is hereby authorized to adopt, establish, and maintain a system of levees, canals, and drainage, and to construct and maintain the works necessary

thereto; and to repair, maintain, construct and control all levees, canals, and other works necessary to the protection of the city. The city commission is hereby declared to be the legal representative and successor of the board of supervisors of the county of Sacramento, and of the board of levee commissioners of the city of Sacramento, in all matters pertaining to the Sacramento drainage canal, and in all matters pertaining to any canals or drains for the drainage of the city, and in all matters pertaining to the levees in the city, and in all matters pertaining to all the levees, canals, and other works which said city has adopted or constructed or shall hereafter adopt or construct as part of its system of levees or drainage; and the city commission shall, in addition to the other powers granted to it, also have power to dredge, or in any other manner deemed expedient to keep clear, the channels of the Sacramento and American rivers adjacent to the city, and to build any dam, boom, weir, jetty, or other works, either in the county of Yolo, the county of Solano or in the county of Sacramento, or in part in any of said counties, as in the opinion of said board may be necessary to keep the channel of the Sacramento river, in front of the city, free and open for navigation of first-class steamboats; and the said city commission may cut or dig any canal, ditch, slough, or outlet in any of said counties, and may use all other means and appliances whatever that may be necessary to keep the Sacramento river navigable in front of the city, to provide proper drainage for the city, and to guard any and all lands within said city from inundation. The purposes for which any and all the works in this section mentioned are to be constructed are hereby declared public uses, and the city of Sacramento is hereby authorized to proceed at any time, under the provisions of the statutes for that purpose, to condemn for such use any and all property necessary to the construction and maintenance of such works; *provided, however*, no system or plan for any of the work in this section authorized to be performed shall be adopted by said city commission which will cost over twenty thousand dollars (\$20,000), unless such plan shall first be submitted to and ratified by a vote of the electors of said city; *and provided, further*, that if any plan is adopted involving the expenditure of more than twenty thousand dollars (\$20,000), the money required to carry out such plan shall be raised either by the issuance of bonds or by direct taxation, as the electors, at such election, may determine.

Other work may be done either within or without the county.

Limit on expenditures.

Contracts for drainage work.

SEC. 28. To make contracts with the federal or the state government or with any department of either thereof, and with any swamp land, levee, reclamation or drainage district now or hereafter existing, or with any person or body, politic or corporate, providing for the construction of any work of reclamation or drainage which, in the judgment of the city commission, will be of advantage to the city of Sacramento in the matter of impounding, storing, carrying away and dis-

Contracts for drainage work.

posing of the flood waters of the Sacramento and American rivers and their tributaries; *provided, however*, that should the portion of the cost thereof to be defrayed by the city of Sacramento, under the provisions of such proposed contract, exceed the sum of twenty thousand dollars (\$20,000), the general plan of such work shall be first submitted to and ratified by a vote of the electors of the city.

Joint ownership of water supply.

Joint ownership of water supply.

SEC. 29. To join with one or more cities incorporated under the constitution and laws of the state, in order to acquire or develop jointly a source or sources of water supply, light, heat or power, for municipal and domestic purposes, and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor. The city shall also have full power to act independently in the premises.

Water supply to be retained by city.

SEC. 30. The supply of water for this city for municipal and domestic purposes shall always be owned and controlled as a municipal institution and be administered by the city government, and shall not be sold or leased to any person, firm or corporation, nor shall any franchise for such purpose ever be granted.

POWERS OF THE CITY COMMISSION ENUMERATED.

Powers of city commission.

As the legislative body of the city, the city commission, subject to the provisions and restrictions of this charter, shall have power:

Official seal.

Official seal.

SEC. 31. To provide a corporate seal, with appropriate device, to be affixed to all instruments of writing needing authentication.

Violation of charter and ordinances.

Violations of law.

SEC. 32. To prescribe fines, forfeitures and penalties for the violation of any provisions of this charter or of any ordinance.

Nuisances.

Nuisances.

SEC. 33. To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance, and to make such expense a lien upon the property whereon such nuisance exists.

Engines and boilers.

Engines and boilers.

SEC. 34. To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in localities where, in the judgment of the city commission, the public safety would be endangered; and to provide for the examination and licensing of all persons engaged in operating the same.

Fire limits.

SEC. 35. To prescribe fire limits and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings or in the repair or alteration of existing buildings within such fire limits. Fire limits.

Building regulations.

SEC. 36. 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 or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat, or other purposes, and materials and methods used for piping buildings or other structures for the purpose of supplying the same with water, gas or any process of heating or lighting for which pipes are used, and the manner of so doing; to regulate and prescribe all methods and materials used for the plumbing of all buildings, and to prohibit the construction of buildings and structures which do not conform to such regulations. Building regulations.

Provisions for safety in theatres, halls, etc.

SEC. 37. To regulate the location, number, size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstruction in the hallways, aisles, or open places therein. Safety in places for public gatherings.

Provisions relating to streets and water front.

SEC. 38. To fix, alter and change the route of any railroad in the city, and to regulate the speed of railroad trains, engines and cars passing through the city, and the speed of cars of street or interurban railway companies using the public streets of the city; to require railroad companies to station flagmen or to place gates or viaducts at street crossings, as the city commission may deem proper; to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city, and prohibit cars standing on any street, and to prohibit the making of any flying switch upon or across any street, alley or other public place within the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city; to build, alter, improve, keep in repair and control the water front; to erect, construct, regulate and repair wharves, and to fix the rate of Control of streets and water front.

wharfage and transit levee dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of berth landing, stationing, and removing of steam-boats, motor boats, sail vessels, barges, rafts, and all other water craft; to fix the rate of speed at which steam or motor boats may run along the water front of the city; and to prescribe penalties for the violation of such regulations.

Improper use of streets.

Use of streets and public places.

SEC. 39. To regulate street speaking or gatherings; to regulate or prohibit the exhibition or carrying of placards, banners, or advertisements on cars or other vehicles, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate or prohibit the flying of banners, flags, or signs across the street or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and sidewalks, and to require their removal.

Weeds and rubbish on sidewalks.

Dirt, rubbish, and weeds.

SEC. 40. To compel the owner or occupant of any building or grounds to remove dirt, rubbish and weeds from such building or grounds and from the sidewalks adjacent thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such building or grounds.

Billboards and signs.

Billboards and signs.

SEC. 41. To regulate, license or prohibit the construction and use of billboards and signs on public or private property.

Preservation of health.

Health and quarantine.

SEC. 42. 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 or spreading of infectious, communicable or contagious diseases into or through the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into or spread throughout the city of persons, baggage, merchandise or other property infected with any contagious or communicable disease.

Dangerous and offensive occupations—Disagreeable noises.

Dangerous or offensive occupations, noises.

SEC. 43. To regulate or exclude the landing and storage of explosives and combustibles; to regulate the maintenance of chemical works, slaughterhouses, wash houses, laundries, stables, tanneries, glue factories, garages, planing mills, foundries, boiler shops, undertaking establishments, and business of every description that may endanger the public safety, health or comfort, and to restrict the conduct thereof to such fixed limits as may seem proper, or to exclude such works and business from the city; to make regulations for the suppression of disagreeable or offensive noises; and to provide for the punishment of

all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

Inspection of food products.

SEC. 44. To provide for and regulate the inspection of all things used for food or drink or for human consumption, stored, manufactured, sold, given away, or exchanged in the city and to provide for taking and summarily destroying any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Inspection
of food
products.

Dairies.

SEC. 45. To provide for the inspection and regulation of all dairies and slaughterhouses within or without the city that offer for sale or sell any of their products in the city.

Dairies.

Hotels, lodging houses, tenement and apartment houses.

SEC. 46. To regulate hotels, lodging houses, tenement and apartment houses and to prevent the overcrowding of the same, and to require that they be put and be kept in proper sanitary condition.

Hotels:
Lodging,
tenement,
and apart-
ment houses.

Sewer construction, etc.

SEC. 47. To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done.

Sewers.

Chimneys.

SEC. 48. To provide for the cleaning of chimneys and to designate the time and manner in which the work shall be done

Chimneys.

Licensing business.

SEC. 49. To license for purpose of regulation only, all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of license upon the same and to provide for the collection thereof by suit or otherwise, and prescribe penalties for violation of such ordinances; to license, tax, regulate, prohibit, or suppress, all tippling houses, dram shops, saloons, bars, barrooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths and sheds.

Licensing
business.

Weights and measures.

SEC. 50. To provide for the inspection and sealing of all weights and measures used in the city; to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed, and to provide for the summary seizure and destruction of all false weights and measures found in use within the city.

Weights and
measures.

Public shows, gambling.

Public shows; gambling.

SEC. 51. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and all fraudulent or gambling devices and practices, all playing of cards, dice or other games of chance for the purposes of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money or anything is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, games or other exhibitions, and to authorize the destruction of all instruments used for the purpose of gambling.

Public order and decency.

Public order and decency.

SEC. 52. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Erroneously collected taxes.

Erroneous collections.

SEC. 53. To order the repaying by the treasurer of any taxes, percentages, costs, or other moneys erroneously or illegally collected.

Fees.

Fees.

SEC. 54. To fix the fees and charges for all official services not otherwise provided for in this charter.

Lease of lands owned by the city.

Lease of lands owned by city.

SEC. 55. To provide for the leasing of any lands now or hereafter owned by the city for a term not exceeding five years; but all leases shall be granted at public auction to the highest responsible bidder, after publication of notice thereof for at least one week stating explicitly the term and conditions of the proposed lease: *provided*, that the city commission may, in its discretion, reject any and all bids.

Purchase of property under execution.

Purchase of property under execution.

SEC. 56. To provide for the purchase of property levied upon or sold under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment, interest, if any, and costs.

Sale of useless personal property.

Sale of personal property.

SEC. 57. 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.

Control of streets.

Opening, or closing streets.

SEC. 58. To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city, or the extension of any such street, lane or alley to the Sacramento river or the American river, and to condemn and acquire any and all property necessary or

convenient for that purpose. Whenever the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity therewith.

Boulevards.

SEC. 59. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, and to regulate or prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted by the city commission upon such boulevard, and no railroad track of any kind shall ever be laid thereon except to cross the same, unless a franchise therefor shall have been duly granted by vote of the people.

Boulevards:
franchises
thereon.

Regulation of public utility rates.

SEC. 60. 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, firm or corporation in the city, for the use of heat, light, power or telephone service, or other public utility supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Regulation
of public
utility rates
and service.

Regulation of street railroads.

SEC. 61. To regulate street and suburban railroads, their tracks and cars, the issuance and exchange of transfers, and to fix the rates of fares and charges thereon, and to compel the owners of two or more railroads using the same street, to use the same tracks and equitably to divide between them the cost of construction and the cost of maintenance thereof.

Street
railroads.

Railroads to keep streets in repair.

SEC. 62. To require every railroad company owning or occupying tracks upon any public street or highway to keep clean and in good repair such street or highway between its tracks and for a distance of two feet upon the outer sides of the tracks owned or occupied by the company.

Railroads
to clean and
repair streets.

Spur tracks.

SEC. 63. To permit for compensation the laying down of spur or sidetracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad that may be built along the water front or with any other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the city commission; such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof. Such tracks must be laid level with the street

Spur tracks.

and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the city commission.

Regulation of poles and wires.

Poles and wires.

SEC. 64. 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 or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and location of pipes.

Pipes, tunnels and conduits.

SEC. 65. To regulate the size and location of all pipes, tunnels and conduits laid or constructed under the streets and public places, and to require the filing of charts and maps of such pipes, tunnels and conduits.

Municipal ownership.

Municipal ownership.

SEC. 66. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Public entertainments.

Public entertainment; immigration; expositions; advertising.

SEC. 67. To appropriate and spend money from the funds of the city for any or all of the following purposes: reception and entertainment of public guests, assistance of public celebrations held by the city at large, to aid or carry on the work of inducing immigration to the city, to exhibit manufactured and other products of the city; and generally, for the purpose of advertising the city; *provided, however,* that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of two (2) cents on each one hundred (\$100) dollars of the assessed value of property within the city.

Additional powers.

Additional powers of commission.

SEC. 68. To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out and exercise the powers vested in said city, except as herein otherwise provided.

Continuing ordinances in force.

Continuance of existing ordinances.

SEC. 69. All lawful ordinances, resolutions and regulations in force at the time this charter takes effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

ARTICLE IV.

ORDINANCES AND RESOLUTIONS.

Ayes and noes.

Vote by ayes and noes.

SECTION 70. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the city commission.

Majority vote of commission.

SEC. 71. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the city commission.

Majority
vote
necessary.

Subject and title.

SEC. 72. Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Subject
and title.

Enacting clause of ordinances.

SEC. 73. The enacting clause of all ordinances passed by the city commission shall be in these words: "Be it ordained by the City Commission of the City of Sacramento, as follows:"

Enacting
clause.

Reconsideration.

SEC. 74. When any ordinance is put upon its final passage, and notice is given of a motion to reconsider, the vote upon such motion must be taken at a meeting of the city commission held not later than one week after the meeting at which notice of such motion was given.

Recon-
sideration.

Signing and attesting.

SEC. 75. All ordinances shall be signed by the president and attested by the city clerk, and, unless postponed by the filing of a referendum petition or the terms of the ordinance itself, the same shall take effect thirty days after passage.

Signing of
ordinances;
time when
effective.

Revision and amendment.

SEC. 76. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the section or sections to be added thereto, shall be set forth as revised or amended, and adopted in the method provided in this section for the adoption of ordinances.

Revision and
amendment.

Repeal.

SEC. 77. No ordinance nor any part or portion thereof shall be repealed, except by ordinance adopted in the manner provided in this section.

Repeal.

Publication of charter and ordinances.

SEC. 78. The city commission during the first year after its organization under this charter, and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and to be published in book form, together with or separately from the charter of the city and such provisions of the constitution and laws of the state as the commission may deem expedient. Such book shall

Publication
of charter
and ordi-
nances in
book form.

be prima facie evidence of the validity and contents of such ordinances.

Record of city ordinances.

Record of ordinances; copy admissible as evidence.

SEC. 79. A true and correct copy of all ordinances shall be kept by the city clerk in a book marked "City Ordinances." A copy of any such ordinance, certified by the city clerk under the seal of the city, shall be prima facie evidence of the contents of such ordinance, and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of absent commissioner.

Action during absence of department commissioner.

SEC. 80. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the city commission, or unless in case of emergency, so declared by a unanimous vote of the remaining commissioners.

ARTICLE V.

OFFICERS AND EMPLOYÉS.

General qualifications necessary for officers and employées.

SECTION 81. Except as otherwise specified in this charter, the qualifications of officers and employées of the city shall be as follows: Each elective officer must be a citizen of the United States and of the State of California, and must have been a resident of the city of Sacramento for at least three years next preceding the date of his election. Residence within the limits of any territory which has been or may hereafter become annexed to the city of Sacramento shall, after any such annexation has been accomplished, be deemed and construed to have been within the city. Appointive officers of the first and of the second class, members of the park, playground and civil service boards, subordinate officers and municipal employées, except employées in the unskilled labor division, must be citizens of the United States; *provided, however*, that each member of the police or fire department, shall be a citizen of the United States, of good repute for honesty and sobriety, able to read and write the English language, and, except the chief of either of such departments, shall have been a resident of the city of Sacramento for at least one year next preceding his appointment; *and further, provided*, that in appointments to positions, temporary or permanent, in the unskilled labor division, citizens of the United States shall be employed in preference to aliens, and married men and men of family in preference to single men, although the civil service board may, in time of public emergency, suspend this proviso governing the employment of unskilled laborers.

Special qualifications and duties of certain officers.

SEC. 82. In addition to the foregoing general qualifications, the following appointive officers of the first and second classes must possess the special qualifications and perform the duties hereinafter set forth.

Special
qualifications
and duties.

City attorney.

(1) The city attorney must be an attorney at law, duly licensed to practice as such in all of the courts of this state, and must have been so licensed and engaged in the practice of his profession for at least five years next preceding the date of his appointment. All deputies and assistants of the city attorney must possess the foregoing qualifications. The city attorney shall perform such duties as are imposed upon him by law, by the provisions of this charter or by the direction of the city commission. He shall keep on file in his office all written opinions given by him to any officer, board or department, all briefs and transcripts used in causes in which he appears in behalf of the city, and bound books of record and registry of all actions or proceedings under his charge in which the city is interested, all of which shall be the property of the city. He shall deliver all books, records, reports, documents, papers, statutes, law books and property of every description in his possession belonging to his office, or to the city, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

Attorney.

Judge of the police court.

(2) The judge of the police court must possess the same qualifications prescribed for the city attorney and must deliver to his successor in office all books, records, reports, documents, papers, statutes, law books, dockets and property of every description in his possession belonging to the city. He shall take duplicate receipts therefor, one of which he shall file with the auditor.

Judge of
police court.

City engineer.

(3) The city engineer shall be a civil engineer of not less than five years' practical experience as such. He shall possess the same power in the city in making surveys, plats and certificates as is given by law to city engineers and county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of city engineers or county surveyors. He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof, and shall turn the same over to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the auditor. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or

Engineer.

control during his term of office shall be the property of the city.

City treasurer.

Treasurer.

SEC. 83. It shall be the duty of the city treasurer to receive and safely keep all moneys that shall come to the city by taxation or otherwise, and to pay out the same on demands audited in the manner provided by law. He shall perform such other duties as may be prescribed by this charter, by general law, or by the city commission. Subject to the provisions of section 16½ of article XI of the constitution of this state, and upon such conditions and in such manner as may be prescribed by law, or by the ordinances of the city, he may deposit the moneys in his custody in any national bank or banks doing a banking business in this state, or in any bank or banks organized under the laws of this state, and shall disburse the same, when so deposited, in the manner provided by the city commission by ordinance.

Purchasing agent.

Purchasing agent.

SEC. 84. It shall be the duty of the purchasing agent, subject to the direction of the city commission, and to the provisions of article VI hereof, to purchase all materials and supplies to be used by the city or in any department thereof. He shall acquaint himself with the needs and requirements of the city and shall procure and retain samples of all materials, fabrics and supplies of every kind necessary for its use. It shall be his duty to take advantage, for the benefit of the city, of all trade and cash discounts and favorable trade conditions that may arise. He shall inspect all purchases upon delivery and must reject any articles which fail to comply with the provisions of the contract as to weight, quantity or quality, and shall not approve any invoice or claim against the city unless the weight, quantity, quality and price of the articles therein enumerated are correctly stated according to the terms of the contract of purchase. He shall keep accurate records of all supplies purchased and of the disposition thereof. He shall have the custody of all supplies and shall deliver the same from time to time upon the written requisition of the officer or department requiring them. It shall be his duty to prevent waste and extravagance and to recommend to the city commission such methods of checking the same as may seem to him most likely to effect such purpose. It shall also be his duty to study market conditions and prices and to advise the city commission concerning the same at all times. He shall give such bond as the city commission may prescribe.

Storekeeper.

Storekeeper.

He shall, subject to the permission of the city commission, appoint an assistant, to be known as storekeeper, who shall, under the direction of the purchasing agent, perform the duty of receiving, safely keeping, and distributing all supplies and materials purchased for and belonging to the city. It shall be

the duty of the storekeeper to inspect all tools, machinery and apparatus of the city in the custody of any officer or department, and to report in duplicate to the commissioner presiding over such department and to the city commission the condition of all such tools, machinery, apparatus and appliances, together with a statement of all shortages and breakages. He shall also have the custody of all tools, machinery and apparatus belonging to the city when not in use by any officer or department thereof. He shall furnish a bond to the city in such sum as the city commission may prescribe.

Auditor.

SEC. 85. The auditor shall, immediately upon taking office, and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies and movable property of every kind and nature whatsoever, in each of the departments, buildings and offices of the city, and thereafter may require of each officer or department head, an inventory of the same, and it shall be punishable by removal from office for any officer, superintendent or department head to neglect or refuse to make such inventory when required by the auditor. The annual balance sheet taken from the city ledger shall exhibit, under classified heads, all assets of the city, including its plant, equipment, material and supplies, cash on hand, investments, loans, and all accounts due and owing, of every character. In like manner such balance sheet shall show, under classified heads, all liabilities of every character.

Auditor;
Inventory
of city
property;
annual
balance
sheet.

SEC. 86. The auditor shall keep records and accounts which shall show plainly the financial condition of the municipality at all times. He shall submit to the city commission, on the first Monday of each month, an exhibit of the city's affairs, showing assets and liabilities, and revenues and expenses, in such manner, form and detail as may be prescribed by the city commission. He shall keep accurate accounts with the treasurer, and his records shall show at all times the exact condition of the treasury and of all appropriations and expenditures. He shall keep an official record of all demands audited by him, showing the numbers, dates, amounts, name of claimant, for what purpose and against what appropriation drawn. The auditor's office shall be the depository of all accounts, books, papers, vouchers and documents, pertaining to the debts, revenues and expenditures of the city.

Records and
accounts;
monthly
reports to
commission.

SEC. 87. All claims and demands against the city, except coupons for interest and installments of the principal of outstanding bonds of the city, shall be paid only on demands as hereinafter provided, on forms and blanks to be prescribed by the city auditor, and shall be duly verified.

Claims and
demands,
how paid.

SEC. 88. Every claim and demand against the city, except as provided in the preceding section, shall be first presented to and approved by the board, commission or officer authorized by this charter to incur the expenditure or liability represented thereby; and the action of such board or commission must be endorsed on such demand, and signed in writing by the presi-

Approval of
claims by
contracting
board or
officer.

dent or by two members thereof, and the secretary or clerk thereof; and if such approval be made by an officer he, or his chief deputy, shall endorse the same by his signature in writing. In all cases the date of such approval shall be given.

Approval
of demands
by auditor.

SEC. 89. All demands approved by any board, commission or officer of the city shall be presented to the city auditor, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the city treasury is authorized by law, and out of what fund. If he approve it, he shall endorse the word "Approved," with the name of the fund out of which it is payable, and sign his name thereto: *provided*, that such approval by the city auditor shall be valid only for such amount as shall have been approved by the board, commission or officer approving the same. If, in the judgment of the city auditor, such demand should be allowed only for a less amount than approved by such board, commission or officer, or if he shall disapprove said demand, he shall transmit the same to the city commission, with his objections indorsed thereon.

Disapproval.

Action of
commission
on demands
(disapproved
by auditor.

SEC. 90. The city commission may overrule or sustain the objections of the city auditor to said demand, and its action shall be endorsed thereon, certified by the signatures of the president and city clerk, and the demand shall thereupon be returned to the city auditor. If the action of the city commission is to overrule the objections of the city auditor to said demand, he shall make record of the demand as in the case of demands approved by him; if the action of the city commission is to sustain the objections of the city auditor thereon he shall file said demand.

Demands
must be
itemized.

SEC. 91. No demand can be approved by any board or officer, or audited, unless it specify each several item with the date and amount thereof.

No payments
made other-
wise than
according
to law.

SEC. 92. 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, board, commission or body, as required by this charter, or that the objections of the city auditor have been overruled, as herein provided, and this must appear upon the face of the paper representing the demand, otherwise it is not audited.

Allowance
of demand
when
claimant
indebted
to city.

SEC. 93. No demand upon the treasury shall be allowed by the city auditor in favor of any person or officer in any manner indebted to the city 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 the legislature regulating the duties of such officer, on being required in writing to comply therewith by the president of the city commission or the city auditor; 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; *provided*, the auditor be notified in writing of the failure to make such returns or reports, comply with the law, this charter or ordinances of the city, or of the time such officer has been absent, unless, the auditor is charged with such knowledge by reason of his official position.

Allowance of demand when claimant directed to duty.

SEC. 94. The city auditor must keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and name of the payee thereof, on what account allowed, and out of what funds payable, and it shall be a misdemeanor in office for the city auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

Record of demands.

SEC. 95. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of bonds of the city, and the interest coupons thereof, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

Payment of bonds not affected.

SEC. 96. 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 any 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.

Collection of public moneys.

SEC. 97. No suit shall be brought on any claim for money against the city, its board of education, or any officer or board or commission of the city, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or any board, officer or commission thereof upon any claim or demand which has been in whole approved and audited, as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the city commission, or any board, commission 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.

Suits against the city.

Superintendent of streets.

SEC. 97½. The superintendent of streets shall be a civil engineer of at least five years' practical experience as such,

Superintendent of streets.

two years of which shall have been devoted to general municipal engineering.

City building inspector.

Building
Inspector.

SEC. 98. The city building inspector shall be appointed by and subject to the direction of the commissioner of public works. He shall perform such duties as the latter may from time to time direct and render such reports as may be required of him. He shall in all proper cases, issue permits for building operations to be carried on within the city, collect the legal fees therefor, and pay the same over to the city treasurer daily.

City electrician.

Electrician.

SEC. 99. The commissioner presiding over the department shall appoint a city electrician, who shall be a practical, qualified electrician or electrical engineer, and such other assistants and subordinates as may be authorized by the city commission. The city electrician shall have general charge and supervision over all municipal electrical matters, and, in particular, shall have charge of the construction and maintenance of the fire and police alarm systems. He shall have charge of the inspection of all the electrical wires and appliances for furnishing light, heat or power in, under, over or upon the streets and buildings of the city, and shall be charged with the duty of enforcing all ordinances, rules, regulations and requirements governing the installation and use of such wires and appliances. It shall be his duty to require the wiring in all buildings or other structures hereafter erected in the city to conform to the rules and regulations proscribed by the board of underwriters having jurisdiction over the territory within which the city is located, and to report in writing to the commissioner forthwith all buildings and other structures which he may discover within the city wherein such wiring does not conform to such rules and regulations, together with such recommendations concerning the same as may to him seem proper.

ARTICLE VI.

PUBLIC WORK AND SUPPLIES.

Contracts, form and execution.

Contracts,
form and
execution.

SECTION 100. All contracts shall be approved as to form by the city attorney, and shall be signed in triplicate, one of which copies, with the specifications and drawings, if any, of the work to be done or materials to be furnished, or both as the case may be, shall be filed with the city clerk; one thereof with said specifications and drawings shall be kept in the office of the commissioner of the department under whose supervision the work is to be done; and the other with said specifications and drawings shall be delivered to the contractor.

Requirements for bids.

SEC. 101. All proposals shall be made upon printed forms to be prepared by the city and furnished gratuitously upon

application, with a form for the affidavit, hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive, or made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over any other bidder. Any bid made without such an affidavit or in violation thereof, and also any contract let thereunder, shall be absolutely void. All bids shall be clearly and distinctly written without erasure or interlineation, and no bid containing any erasure or interlineation shall be received or considered by the city commission. All proposals offered shall be accompanied by a check certified by a responsible bank, payable to the order of the city clerk, for an amount not less than ten per cent of the aggregate of the proposal; and no proposal shall be considered unless accompanied by such check. No person, firm or corporation shall be allowed to make or file or be interested in more than one bid for the same work unless alternative bids be called for. If, on the opening of said bids, more than one bid appear in which the same person, firm or corporation is interested, all such bids shall be rejected, except as above provided. On the day and at the hour specified in said notice inviting sealed proposals, the city commission shall assemble and remain in session for at least one hour, and all bids shall be delivered to the city commission, while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the city commission shall be considered. Each bid as it is received shall be numbered and marked "Filed" by the city clerk, and authenticated by his signature. At the expiration of the hour stated in the advertisement the city commission, shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the city commission by the city clerk. Before adjourning, the city commission shall compare the bids with the record made by the city clerk and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, to which it may adjourn, award the contract to the lowest bidder, except as otherwise in this charter provided. Notice of such award shall forthwith be posted conspicuously for five days by the city clerk on a bulletin board at or near the door of the assembly-room of the city commission. The city commission may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting such lowest bid, shall thereupon return to the proper parties the checks accompanying the bids so rejected. If all the bids are rejected, the city commission shall return all the checks to the proper parties and may again invite sealed proposals as in the first instance. The check accompanying the

Proposals
to do work
or furnish
materials
or supplies.

Certified
check to
accompany
bid.

Opening
of bids.

Award of
contract.

Return of
certified
check.

accepted bid shall be held by the city clerk until the contract for doing said work, as hereinafter provided, has been entered into, and the bond accompanying the same, as hereinafter provided, is approved and filed, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city; *provided*, that the procedure upon the part of the city leading to the awarding of such contract has been legal. The city commission shall not have the power to relieve from, or remit such forfeiture.

Penalty for collusion.

Collusion,
penalty
therefor.

SEC. 102. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the city commission may advertise anew for bids for said work or supplies.

Bonds.

Bonds of
contractors.

SEC. 103. At the same time with the execution of the contract the contractor shall execute to the city and deliver to the auditor a bond in the form named in the notice for proposals, conditioned for the faithful performance of the contract, with sureties to be approved by the city commission, or shall deposit with the auditor a certified check upon some solvent bank for the amount named in said bond. No individual shall be accepted as a surety upon such bond unless he be a taxpayer, paying taxes upon property situate within the city not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the city, and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the city, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the city, and that the taxes on such property so assessed are not delinquent. The contract shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. The city commission may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion, except by the unanimous vote of the city commission. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as herein provided for, the contract shall by that fact be terminated and the city commission shall not there-

Extension
of time on
contracts.

after pay or allow him any further compensation for any work done by him under said contract; and the city commission may proceed to complete such contract either by reletting or otherwise, and the contractor and his bondsmen shall be liable to the city for all loss or damage which it may suffer on account of his failure to complete his contract within such time.

Progressive payments on contracts.

Sec. 104. Any contract may provide for progressive payments, if in the ordinance or resolution authorizing or ordering the work permission is given for such contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for, or authorize or permit the payment of, more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the commissioner of the department having supervision of the work.

Progressive payments on contracts.

Public work to be done by contract.

Sec. 105. The erection, improvement and repair of all public buildings and works, all street and sewer work, and all work in or about streams, or water fronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and materials for the same, or for any other use by the city, or the purchase of any supplies to be used by the city, when the expenditure required for the same exceeds the sum of five hundred dollars (\$500), shall be done by contract and shall be let to the lowest responsible bidder, after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; *provided, however*, the city commission may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department having supervision of the work or for the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received, the city commission may likewise provide for the work to be done by the department having supervision of the work or the supplies to be purchased in the open market.

Work to be done by contract where cost exceeds \$500.

Endorsement of auditor on contracts.

Sec. 106. No contracts made, the performance of which is not provided by law or ordinance to be paid for by assessment 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 for and applicable thereto, suf-

Endorsement of contracts by auditor.

ficient to pay the estimated expense of fulfilling such contract, or that adequate provision therefor has been made in the tax levy. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars (\$250), unless the same is required by law to be done by contract at public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount, or if adequate provision therefor has been made in the tax levy, and thereafter such sum shall be held and retained to pay expenses incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriations for his department.

Contracts for official advertising.

Official
advertising.

SEC. 107. Except as in this charter otherwise provided, the city commission shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the city commission shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The city commission shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city of Sacramento which is a newspaper of general circulation, having a bona fide general circulation of at least two thousand (2,000) copies, and which newspaper has been published in said city for two successive years prior to the time of awarding the contract; *provided*, that the city commission may reject any or all bids if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the official newspaper. Except when otherwise provided in this charter, or by general law, all official publications made by the city shall be made in the official newspaper only. All election notices, or lists of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this charter, by general law, or by any ordinance of the city to be made in any newspaper, and all such publications for which the city of Sacramento may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letter heads or other documents or printed matter required by the city shall be paid for at a price not exceeding the lowest prevailing business rates therefor. No bill shall be paid by the city for such advertising or printing in excess of the lowest prevailing business rates.

Contracts for lighting.

Lighting.

SEC. 108. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one

year, and every such contract shall contain stipulations providing that, if at any time during the life of the contract any other consumer is given a lower or better rate than the one specified in the contract, the city shall be entitled to the benefit of such lower or better rate. All contracts must be let to the lowest bidder.

Collusion with bidder—effect on officer.

SEC. 109. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder; or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount of different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment under the city of Sacramento.

Collusion of officer with bidder.

ARTICLE VII.

PUBLIC HEALTH AND SANITATION.

SECTION 110. There shall be a department of public health and sanitation under the administrative control of the commissioner of public health and safety. Said commissioner and department shall have supervision of all matters pertaining to the sanitary conditions of the city and the health of its inhabitants; and full power is hereby given said commissioner and department, to supervise, control and regulate, among other things,

Department of public health and sanitation.

Defective drainage and sewage disposal;

Nuisances of every description;

The care, preparation, manufacture and sale of all articles of food or drink, or anything used for human consumption; and to fix and prescribe quarantine and other regulations framed to prevent the spread of infectious, communicable or contagious diseases dangerous to the public health, including the establishment and maintenance of an isolation hospital, and the removal thereto of any person in the city affected with an infectious, communicable or contagious disease which it shall be impossible so to quarantine and regulate in the dwelling of said person as to safeguard the public health, and including the power, when a case of disease suspected to be infectious, communicable, contagious or dangerous to the public health is reported to the health department, to visit the premises where such case is reported as being and examine the condition of such person; to supervise, control and regulate the relief of the

Matters under supervision.

indigent sick and wounded in the city, including the establishment and maintenance of a free dispensary and emergency hospital;

To regulate or prohibit the manner and place of killing and dressing any animal, fowl, bird or fish, not already regulated or prohibited by general law;

And to compel the owners or occupants of property to keep the same free from anything obnoxious, filthy or dangerous to the public health.

Health
officer.

SEC. 111. The principal officer and executive of said department shall be a health officer who shall be appointed by the commissioner. He must be a physician, authorized by law to practice medicine in this state, unless at the time of his appointment as health officer he shall be in the service of the United States in his professional capacity. He shall have authority, under the commissioner, over all the officers and employes of the department.

Subordinate
officers.

SEC. 112. The subordinate officers of the department shall be a city physician, emergency surgeon, city bacteriologist, and such deputies and assistants as the city commissioners shall deem necessary; all of whom shall have the same qualifications as the health officer; also a secretary, who shall be statistician of the department and custodian of the records; a city analyst, who shall be a graduate of a recognized university or of a technical school and of at least five years' practical experience in analytical chemistry; a food and market inspector, who shall be a veterinary surgeon, qualified by law to practice in this state and of at least five years' experience in practice; a plumbing inspector, who shall be a master plumber as defined by the city ordinance, and of at least five years' experience as a master plumber; also a sanitary inspector. The city commission may provide for such other subordinate officers and assistants as may be necessary, but the health officer may himself perform the duties of one or more subordinate officers and may assign to one individual the duties of two or more such officers.

Business
of depart-
ment of
public health
and sanita-
tion.

SEC. 113. The health officer, with the approval of the commissioner, shall prescribe rules, regulations and requirements, not in conflict with this charter, the ordinances of the city or with general law, for the conduct of the business of the department, the preservation of public health, and the maintenance of proper sanitary conditions within the city, including such forms and regulations for the government of physicians, undertakers and the administrators of cemeteries as shall be designed to preserve reliable vital and mortality statistics within and pertaining to said city. The commissioner, the health officer or any authorized inspector of the department shall inspect, when called upon by any person, and when in his or their judgment it seems necessary, any and all things offered for sale, or to be given away or given in exchange for use as food or drink, or for human consumption, and shall have the right to enter at any time for the purpose of making such examination or inspection any place or building, where

anything for use as food or drink, or for human consumption is stored, manufactured, kept for sale or to be given away or given in exchange; and no person shall be permitted to sell or dispose of anything pronounced by said commissioner or health officer or any authorized inspector of the department to be unfit for food or drink or for human consumption, but all such articles must be seized and destroyed by said commissioner, health officer or authorized inspector. When the commissioner, the health officer or any authorized inspector of the department shall have inspected any place or building used for the storage, manufacture, sale or giving away or exchanging of anything used for food or drink or human consumption, and shall have found such place or building to be so filthy or unsanitary or the methods or practices therein used so filthy or unsanitary as to endanger the public health, said health officer or inspector shall post at the entrances of said building or place notice of such inspection and finding and shall maintain such notice until the conditions or practices dangerous to the public health shall have been remedied or abated, and shall close such place or building and prevent its use for the storage, manufacture, sale, giving away or exchange of anything for use for food, drink or human consumption, until said place or building shall be put in such condition and so used as no longer to endanger the public health. The health officer shall visit periodically all public buildings and school-houses in the city and examine the manner in which they are lighted, ventilated and heated, and their sanitary condition, and report his findings thereupon in writing to the commissioner at least quarterly. The health officer shall certify to the superintendent of schools the names and addresses of all persons within the city sick of such infectious, communicable or contagious disease, as may be listed by the health department so to be certified.

Inspection
of food
products.

Sec. 114. The health officer shall see to it that the laws of the state and ordinances of the city relative to public health and sanitation and all rules, regulations, orders and requirements of the health department, are promptly enforced. The commissioner, the health officer and any other regularly appointed employé of the health department shall have the right and power to arrest any person or persons who may violate any of the rules, regulations, orders or requirements of the health department, or any ordinance or general law relating to the maintenance of the public health and the sanitation of the city. It shall be the duty of the commissioner and of the health officer to abate, or cause to be abated, any and all nuisances within the city limits that are offensive to the senses, or that are, or threaten to become, if suffered to continue, detrimental to the public health. All pools of stagnant water, and all collections of filth, garbage, manure or other substances that are, or may become, breeding places or food for mosquitoes, flies, rats, or other disease-carrying insects or animals, are hereby declared to be nuisances within the mean-

Enforcement
of laws by
department
of public
health and
sanitation.

Nuisances.

ing of this section. Whenever any such nuisance exists within the city limits, the commissioner or health officer shall, upon acquiring knowledge thereof, order the owner or occupant of the premises whereon such nuisance exists, to abate or remove the same within such time as shall be specified in the order. If the owner or occupant of such premises fails, neglects or refuses to obey such order, or if the premises be unoccupied and the owner, or his agent, can not be found upon reasonable inquiry, the commissioner or health officer shall proceed summarily to abate or remove such nuisance and shall defray the expense thereof out of any moneys in the city treasury available for such purpose. All expenditures so incurred shall be charged against the owner and shall be a lien upon the lot and premises whereupon such nuisance existed. It shall be the duty of the commissioner or health officer to forward forthwith to the city attorney a written statement of all such expenditures incurred by him in carrying out the provisions of this section, and it shall be the duty of the city attorney to proceed without delay to foreclose such lien, or otherwise compel the owner of such premises to repay the amount thereof to the city, together with all costs and charges of collection.

Control of
cemeteries.

SEC. 115. The health officer or a responsible subordinate shall have management and control of the cemeteries owned by the city so far as relates to the sale of lots and burial space, to interments and exhumations and the other business of the cemetery; and shall issue all permits for burials, exhumations and cremations within the city limits or within the cemeteries owned or controlled by the city, and shall exercise over cemeteries without the city such control and supervision as is by general law provided. No interment, cremation or exhumation shall be made in any cemetery owned or controlled by the city or in any cemetery within the city, or in any cemetery within the city's jurisdiction, unless the health officer or responsible subordinate is satisfied of the correctness and reliability of the certificate of death presented for his inspection. The health officer or his responsible subordinate shall keep such records, make such reports and perform such duties in relation to cemeteries and the disposal of the dead as may be required of him by general law, by this charter, by ordinance or by the rules, regulations and requirements of the health department. The health officer shall make to the commissioner of public health and safety an annual report, and may at any time be required to make special reports, concerning the health and sanitation of the city, with his observations and recommendations thereupon, together with mortuary and other statistics concerning the department.

Records kept
by secretary.

SEC. 116. The secretary of the health department shall keep a record of the transactions of the department and of its rules, regulations and requirements, and be the custodian of all records pertaining thereto, including all vital records, or death or cemetery records now belonging to the city. He shall keep in the form prescribed by the health officer complete

records of all births and deaths within the city, interments in the city cemeteries or cemeteries in private ownership within the city limits, or within the city's jurisdiction, and shall keep such other statistics and perform such other duties relating to the health and sanitation of the city as may be required of him.

SEC. 117. Every person in the city shall promptly report to the health department every patient whom he shall have sick of an infectious, communicable or contagious disease, dangerous to the public health or a disease which the health department shall have issued official notice is to be reported; and every householder, upon reasonable notice from the department that an occupant of his or her house is suffering from any infectious, communicable or contagious disease dangerous to the public health, shall forthwith adopt such preventive means and regulations as the department shall prescribe. Every person who shall fail to report such case of sickness, as required herein, and every householder or head of family who shall knowingly conceal such case of sickness, and every person who shall so go or conduct himself or allow a minor child to so go or conduct himself upon a street or other public ground while suffering from a disease which the health department has issued official notice is to be reported as infectious, communicable or contagious or dangerous to the public health, as to expose other persons to the danger of contracting the same disease, and every person who shall fail to comply with the rules, regulations and requirements of the health department, shall be subject to such fines and penalties as the city commission may, by ordinance, prescribe. The commissioner of public health and safety and the health officer shall have authority to administer oaths and require the giving of sworn testimony, in matters connected with the health department.

Infectious
or contagious
diseases.

Quarantine
regulations.

ARTICLE VIII.

WATERWORKS.

SECTION 118. The chief and assistant engineers of the waterworks department must be experienced engineers, with a practical knowledge of condensing engines and hydraulics.

Qualifica-
tions for
engineers.

Duties of the chief engineer.

SEC. 119. The chief engineer shall devote his entire time to the duties of the waterworks, and shall not engage in any other occupation or business requiring his personal attention, nor absent himself from the city without first obtaining the written permission of the commissioner of public works and filing the same in the office of the city clerk.

Duties of
chief
engineer.

Use of the water.

SEC. 120. It shall be the duty of the commissioner of public works to investigate and regulate the use of water and to prevent its waste. He shall formulate a system for an equitable assessment of water charges upon all persons or property

Use of water.

using the same, and for the collection by the city collector of the rates so assessed, and shall embody the same in an ordinance to be by him submitted to the city commission for its adoption. He shall also rigidly enforce all penalties that are now prescribed, or may be hereafter prescribed by the city commission, for the violation of the provisions of any ordinance governing the use of water, and prosecute all persons offending against the same.

Reserve fund.

Waterworks
department
reserve fund.

SEC. 121. A sum not exceeding twenty per cent of the gross receipts in the waterworks department shall be charged annually to the expense account for depreciation. The amount thus charged shall be set aside and credited to the waterworks department reserve fund and shall be used only toward the replacement of obsolete and worn-out equipment, or the betterment or extension of the service.

City tapper.

Duties of
tapper.

SEC. 122. There shall be a city tapper, who shall, under the control of the chief engineer of the waterworks, have charge of all water mains and pipes, stand pipes, tanks, gates, valves, fire hydrants and taps, and shall supervise the laying, changing or removal of all water mains, putting in of taps, the flushing of hydrants and sewers, and shall perform such other duties as may, from time to time, be prescribed by the commissioner of public works or the chief engineer of the waterworks department. He shall keep a correct record of all alterations or additions made to the mains and pipes, gates, valves, taps and hydrants, and of all labor performed under his direction; he shall make a written report covering the same to the chief engineer of the waterworks department on or before the fifth day of each month, together with such recommendations as to him may seem to be in the interest of the public service. He shall be charged with and account for all tools and materials supplied to his department. He shall make up the monthly pay roll of his department, certify to the same, and present it to the commissioner of public works, who shall verify the same before passing it on to the city commission for approval. All assistants and other employes of the city tapper shall be under his immediate supervision and control and shall perform such duties as he may assign to them.

Block book.

Block book.

SEC. 123. It shall be the duty of the city tapper to cause to be made, in duplicate, block books containing a complete and comprehensive map or plat of the city water pipe system, arranged by blocks, showing the location and size of every main or lateral, pipe, fire hydrant, house tap, air valve, blow-off, and other fixtures and connections. Said block book shall, at all times, be a faithful and accurate record of all the matters hereinabove provided for, and, from time to time, shall be corrected and amended so as to show all extensions, additions

and alterations of the system. One of said books shall be kept at the office of the chief engineer of the waterworks, and the other at the office of the superintendent of streets. Both shall be public records and shall forever remain the property of the city.

ARTICLE IX.

HARBORS AND WHARVES.

SECTION 124. The city commission shall fix and prescribe rules and regulations governing the use of any and all docks, wharves, elevators and warehouses belonging to or under the control of the city, and shall fix the charges or tolls to be collected for such use. There shall be a harbor-master whose duty it shall be to supervise, manage and control the use and occupation of all municipal docks, wharves, elevators and warehouses, and to collect the rates and tolls established by the city commission for such use. He shall keep a detailed record of all receipts and disbursements made by him, showing, under appropriate headings, the nature of each item. All receipts given by the harbor-master for moneys collected by him shall be written in triplicate; one copy thereof shall be delivered to the person from whom such money is received, one copy delivered to the auditor, and one copy retained by the harbor-master. All moneys by him collected shall be deposited with the treasurer daily and the treasurer's duplicate receipt for the same shall be filed with the auditor. The treasurer shall deposit all moneys received from the harbor-master in the city treasury to the account of the appropriate department.

Harbor
rules and
regulations.

Harbor-
master.

Collections.

SEC. 125. All disbursements for the maintenance, operation or extension of any municipal dock, wharf, elevator or warehouse shall be made under the direction and control of the commissioner of public works and shall be charged by the auditor to the fund or funds from which such moneys may be paid. It shall be the duty of the auditor to render to the city commission, monthly, a detailed report of all moneys received and disbursed in connection with all municipal docks, wharves, elevators and warehouses, which must be published in the official gazette.

Disburse-
ments
directed by
commissioner
of public
works.

SEC. 126. A sum not exceeding twenty per cent of the gross receipts shall be charged annually to the expense account for depreciation. The amount thus charged shall be set aside and credited to a harbor and wharves reserve fund, and shall be used only toward the replacement of obsolete or worn-out equipment, buildings, docks, wharves, elevators or plants, or the construction of new work of this character.

Harbor and
wharves
reserve fund.

ARTICLE X.

FINANCE AND TAXATION.

SECTION 127. The fiscal year of the city shall commence on the first day of January of each year and shall end on the thirty-first day of December next following.

Fiscal year.

Annual estimates of expenditures rendered by officers and departments.

SEC. 128. It shall be the duty of every officer of the city, the conduct of whose office requires the expenditure of money, and of every board or commission having the management or control of any department of the government of the city, to prepare and file with the commissioner of finance, on or before the first day of July of each year, a detailed estimate in writing of the amount of expenditure required for the proper conduct of the business of their respective offices and departments for the next ensuing fiscal year, including a statement of the salaries of their subordinates.

Annual budget of city commission.

SEC. 129. The city commission shall meet annually prior to fixing the tax levy and, by resolution, shall make a budget of the estimated amounts required for the interest and sinking funds for the bonded indebtedness of the city and for conducting the business of the city for the ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, officer, board or fund as the city commission may determine. In making such budget the city commission may provide for an emergency fund. After the budget is made in accordance herewith, it shall be signed by the commissioner of finance, attested by the city clerk and signed by the auditor and the several sums thereof shall thereupon be deemed apportioned to the several purposes, departments and offices therein specified for the ensuing fiscal year. Such budget, when so prepared, shall be published in detail in the official gazette.

Unexpended balances.

SEC. 130. Any balance of appropriation remaining unexpended to the credit of any office or department shall, at the close of the fiscal year, be paid into the cash basis fund, until such time as the same shall be sufficiently large to accomplish the purposes for which it is designed; whereupon the city commission shall order all such balances to be paid into the general fund.

Finance committee to pass upon claims.

SEC. 131. The commission shall meet as a finance committee each week on a day which must be fixed by ordinance, to pass upon all claims and demands against the city, and each demand approved shall be endorsed "Approved" by the commissioner of finance over his signature, and be registered by the city clerk by entry showing date, name, amount and for what purpose allowed, and passed to the auditor for his approval and registration.

Claims audited by department commissioner.

SEC. 132. The commissioner named as the head of each department shall audit all accounts or claims against it. If he be absent or fails to do so, the city commission shall appoint a commissioner to act in his stead, to audit such claims, and accounts. Before payment all accounts shall be approved by the commission. The commission shall publish monthly in the official gazette, a full, clear and complete statement of all taxes and other revenue collected and sums expended during the preceding month. Such statement shall be compiled according to the uniform system prescribed by the United States Census Bureau.

SEC. 133. The city commission shall prescribe a uniform system of accounting for the city and shall employ at the beginning of each fiscal year, a certified public accountant who shall, at least twice each year, without notice, examine the books, records and reports of the auditor and of all officers and employes who receive or disburse city money, and of such other officers and departments as the commission may direct. Reports of such examination, in triplicate, shall be made and one each thereof shall be filed with the city clerk, auditor and city attorney. Any officer, clerk or employe who shall refuse to give all required assistance and information to such accountant, or submit to him for examination such books, papers and records of his office as may be requested, shall forfeit his office.

Uniform system of accounting.

SEC. 134. The head of each department, and each officer of the first class, shall make a written detailed report to the commission not later than the fifth day of May of each year, showing the operation of each department and office for the preceding year.

Reports of officers and heads of departments.

TAXATION.

SEC. 135. All property in the city, not exempt, under the laws of the state or of the United States, excepting property used exclusively for public schools, and such as may belong to the United States, to the State of California, to Sacramento county, or to the city, is subject to taxation for municipal purposes. All taxable property must be assessed at its full cash value. Land and improvements thereon must be separately assessed.

Property subject to taxation.

(1) Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes, and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes; and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes; and to that end:

Time and manner of making assessments and collections.

First—All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

Second—All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the city commission.

Powers and duties of city officers in matters concerning revenue and taxation.

Third—All powers and duties so by law conferred or imposed upon the district attorney are hereby conferred and imposed upon the city attorney.

Fourth—All powers and duties so by law conferred or imposed upon the county tax collector are hereby conferred and imposed upon the city collector.

Fifth—All powers and duties so by law conferred or imposed upon the county treasurer are hereby conferred and imposed upon the city treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the county clerk and county auditor are hereby conferred and imposed upon the city clerk and city auditor.

The assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the state board of equalization, or as to school, road or other districts.

Assessment
roll.

(2) On or before the first Monday in July in each year the assessor shall complete his list, or assessment roll, and shall attach his certificate thereto and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The city commission may, by resolution, extend for not exceeding thirty days, the time fixed in this article for the performance of any act.

(4) No city officer shall be required, by virtue of anything contained in this article, to send or transmit any statement or report to any state officer or board.

(5) All papers and instruments required to be filed or recorded with or by the county recorder by the revenue and taxation laws of the 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 Sacramento county.

Basis of
taxation.

(6) The assessment of property within the city of Sacramento, or assessable by the city, made by the city assessor and the state board of equalization, shall be the basis of taxation for the city.

(7) It shall be the duty of the assessor, at any time subsequent to the first Monday in July and prior to the fourth 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 of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the city clerk, to be by him compared with the entries on the assessment roll.

Board of equalization.

Equalization
of taxes.

SEC. 136. The city commission shall meet at its usual place of meeting on the second Monday in July of each year at eleven o'clock in the forenoon of said day, and sit as a board of equali-

zation, for the purpose of equalizing the taxes, and shall continue in session from day to day, until and including the last Monday in July. Said board of equalization shall have power to hear complaints and to correct, modify, strike out, or to lower or raise any assessment; *provided*, that at least one day's notice shall be given to the party whose assessment is to be raised.

SEC. 137. During the session of the city commission, it may direct the assessor to assess any taxable property that has escaped assessment, or to add to the amount, number, or quantity of property, when a false or incomplete list has been rendered, and to make and enter new assessments (at the same time cancelling previous entries) when any assessment made by him is deemed by the commission so incomplete as to render doubtful the collection of the tax. The city clerk must record, in a book kept for that purpose, all changes, corrections and orders made by the city commission, and must enter upon the assessment book all changes and corrections so made, and must, on or before the third Monday in August, deliver the assessment book, so corrected, to the city auditor, unless the city commission shall fix a different time.

Changes in assessments.

Annual estimate of city's requirements and revenue.

SEC. 138. It shall be the duty of the commissioner of finance, from time to time, to make such recommendations to the city commission as he may deem to be for the welfare of the city. On or before the third Monday in August in each year, he shall submit to the city commission 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 the outstanding and bonded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing, specifically, the amount necessary to be provided for each fund and department. He shall also submit 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.

Recommendations and estimates by commissioner of finance.

SEC. 139. The city commission shall establish a general fund, and may, also, before fixing the annual tax rate, by ordinance, provide for such special and separate appropriations, as may be necessary to pay the several funded obligations of the city, if any, and the expenses of the several departments of the city. Such special funds or appropriations shall not be diverted to any other purposes than those for which they have been specifically created.

General and special funds or appropriations.

Annual tax levy.

SEC. 140. The city commission must, not later than the first Tuesday in September, finally adopt an ordinance, subject to the provisions of this charter, levying upon the assessed valuation of property in the city a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts

Tax levy.

Limit on
rate.

Additional
tax levy.

estimated to be required in the annual budget, making suitable allowance for delinquencies, less the amounts estimated to be received from fines, licenses and other sources of revenue. Such levy shall not in any event exceed the rate of one dollar and twenty-five cents on each one hundred dollars of the assessed value of all real and personal property within the city not exempt from taxation by the constitution, the laws of this state or this charter; *provided*, that the city commission shall have the power to establish, levy and collect an additional tax if two thirds of the votes cast at any election at which the question of levying such additional tax is submitted to the people, shall be in favor thereof. As soon as the tax levy is fixed, as herein provided, the assessment roll of said city shall be delivered to the city auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The roll as corrected shall be the assessment roll for said year, and it shall be certified by the auditor.

Bond taxes, library tax, school tax.

Additional
taxes for
bond,
library,
and school
purposes.

SEC. 141. The city commission shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city, and provide for the establishment and support of free public libraries and reading rooms; and when requested by the board of education the city commission may levy, annually, a tax not to exceed five cents on each one hundred dollars of the assessed value of the real and personal property within the city for the sole purpose of purchasing land for educational uses and for the construction of permanent school buildings or permanent additions thereto. The money collected for school purposes shall be immediately paid into the proper school fund, to be drawn out only on the order of the board of education and only for the purposes for which it was collected.

Tax liens.

Tax liens.

SEC. 142. All taxes assessed, together with any penalties or percentages imposed for delinquency and the cost of collection shall constitute liens on the property assessed. Every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year and may be enforced by actions in any court of competent jurisdiction to foreclose such liens or by a sale of the property affected; *provided*, that where 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, and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state or county taxes, except that no certificate or receipt need be delivered to the state controller.

SEC. 143. The city collector must, on the second Monday of

July each year, attend at the office of the city auditor, with the delinquent list, and the auditor must then carefully compare the list with the assessments of persons and property not marked "Paid" on the assessment book, and when taxes have been paid, must note the fact in the appropriate column in the assessment book. The auditor must then administer to the collector an oath to be written and subscribed on the delinquent list, that every person and all property assessed on the delinquent list, on which taxes have been paid, have been credited in the list with such payment, and that the taxes not marked "Paid" have not been paid, and that the collector has not been able to discover any property of the persons liable to pay the same, out of which to make the collection. The auditor must then foot up the amount of the taxes unpaid, and credit the collector therewith, and have a final settlement with him; and the delinquent list must remain on file in the auditor's office. Interest must be collected on all such delinquent taxes at the rate of one per cent per month from the time delinquent until paid.

Settlement
between
collector
and auditor.

Delinquent
list.

SEC. 144. The city assessor, between the first Monday in March and the first Monday in July in each year, must collect the taxes on all personal property, when the owner thereof has no real estate; or when, in his opinion, said taxes are not a lien on real property sufficient to secure the payment, he may enforce such collection by seizure and sale of any personal property owned by the person liable to pay the tax. Such sale must be made at public auction after five days' notice, given by publication in the official gazette, or by posting in three public places in the city, and must be of a sufficient amount to pay the taxes, percentages and costs. For seizing or selling personal property, the assessor may charge, in each case, the sum of three dollars (\$3) costs. On payment of the price bid, the delivery of the property, with a bill of sale, vests the title in the purchaser. All excess over the taxes, percentages and costs of the proceeds of any property so sold, must be returned to the owner, and, until claimed, must be deposited in the city treasury for his benefit. The unsold portions of the property seized may be left at the place of sale, at the risk of the owner. The assessor shall be governed, as to the amount of taxes so collected on personal property, by the rate of the previous year. When the rate is fixed for the year in which the collection is made, then, if a sum in excess of the rate has been collected, the excess shall be repaid by the treasurer to the person from whom it was collected, and if a sum less than the rate has been collected, the deficiency must be collected, as are other taxes on personal property.

Collection
of taxes
on personal
property.

Collections
based on
previous rate.

SEC. 145. The auditor must, as soon as the assessment book for the year comes into his hands, note opposite the names of all persons from whom personal property taxes have been collected, the amount thereof, and as soon as the rate for the year is fixed, he must also note on the assessment book, in connection with the previous entry, the amount of excess or deficiency.

Entries
by auditor.

Errors or defects.

SEC. 146. Omissions, errors, or defects of form in the assessment book, or in the delinquent list, may, with the written consent of the city attorney, be supplied or corrected by the assessor at any time prior to the sale for delinquent taxes. In the assessment, advertisement, and sale for taxes, initial letters, abbreviations, and figures may be made use of, and no assessment or act relating to the assessment or collection of taxes is illegal on account of informality, nor because the same was not completed within the time designated.

Collection of taxes levied under former laws.

SEC. 147. All taxes assessed before this charter takes effect must be collected at the time provided for, and under the laws in force at the time the assessment was made, and all such taxes shall be valid and collectible the same as if this charter had not been adopted.

Payment of indebtedness existing prior to year 1888.

SEC. 148. Nothing in this charter shall ever be construed as permitting or authorizing any portion of the taxes levied and collected for the respective special funds, which the commission is authorized to establish, to be made use of in payment of any indebtedness of the city existing prior to January 1st, 1888, nor shall the total amount of taxes collected and made use of in any one year, in payment of any indebtedness of the city which existed prior to January 1st, 1888, ever exceed fifty-five cents on each one hundred dollars (\$100) upon the assessment book.

Cash basis fund.

Cash basis fund.

SEC. 149. The city commission shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the city commission shall provide that from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half (2½) cents on each one hundred dollars (\$100) of the assessed value of all real and personal property in said city shall be placed in such fund until the accumulated amount therein shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year. The city commission shall have the power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the city commission to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Special deposit fund.

Special deposit fund.

SEC. 150. There is hereby created a fund to be known as the special deposit fund, wherein shall be deposited all moneys received by the city or any department, office or board thereof, for the purpose of guaranteeing the payment of any costs, charges or damages accruing, or liable to accrue, to the city from the depositor, or the performance of any act or thing

which such depositor may undertake to do or perform, including all moneys deposited as bail to secure the liberation of any person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operations of the depositor. The moneys so deposited may be returned to the depositor, should he become entitled to the return thereof, in such manner as the city commission may by ordinance prescribe, or upon default being made in the payment of any such costs, charges, or damages, or in the performance of any such condition, act or thing, may be declared forfeited, in whole or in part, and be so disposed of as the city commission may direct.

Bonded indebtedness.

SEC. 151. The city commission may contract bonded indebtedness, as follows: It shall, by order duly passed, by yeas and nays, recorded in its journal of proceedings, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which it is proposed to issue. The city commission shall then provide for submitting the question of the issue of said bonds to the qualified electors of the city, at a special municipal election to be called by the city commission for that purpose, and it shall be held, as nearly as possible, in conformity with the general laws of this state. Notice shall be given of such election by publication for three weeks next prior thereto, in the official newspaper of the city, in which notice the amount of such bonds proposed to be issued, the term of years they are to run, the object for which the indebtedness is to be created, and the rate of interest to be paid, shall be distinctly stated. The ballots shall be printed: "For the issue of bonds. Yes"; "For the issue of bonds. No." If two thirds of the electors of the city so voting at such election shall vote in favor of issuing bonds, and not otherwise, the city commission may proceed to issue the amount of bonds specified; said bonds to be in sums of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) each, having not more than forty years to run, and bearing interest at a rate per annum not exceeding six per cent, payable semi-annually: the said bonds to be payable and redeemable at any time at the pleasure of the city, and substantially in the following form:

No.

The City of Sacramento, in the State of California, for value received, promises to pay to, or to the order of the treasurer of said city, on the first day of ... in the year, or at any time before that date at the pleasure of the city, the sum of dollars, gold coin of the United States, with interest at the rate of per cent per annum, payable at the office of said treasurer semi-annually, on the first day of and in each year, on presentation and surrender of the interest coupons hereto attached.

Creation of bonded indebtedness.

Election for creation of bonded indebtedness.

Form of bonds.

In witness whereof, the said city, by its city commission, has caused this bond to be signed by the president of the city commission and attested by the city auditor, with the corporate seal of said city hereto attached, this day of in the year

.....,
President of the City Commission.

[CORPORATE SEAL]

Attest:
City Auditor.

The interest coupons shall be in the form following and signed by the auditor:

Form of interest coupons.

No.

The treasurer of the City of Sacramento, California, will pay to the holder hereof, on the day in the year, at his office in said city, the sum of dollars, gold coin of the United States, for interest on city bond No....

.....,
City Auditor.

Sale of bonds, and apportionment of moneys received therefrom.

SEC. 152. Whenever bonds issued under this charter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the city treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all such bonds delivered to him, and the proceeds thereof. The treasurer shall then proceed to sell said bonds at not less than par value, together with any accumulated interest, under direction of the commission, and for the highest prices obtainable; and whenever said bonds, or any portion thereof, are sold, he shall report the fact to the auditor, stating under oath to whom sold, and for what price, and the auditor shall at once apportion the moneys arising from such sale to the proper fund in the treasury, filing a statement of such apportionment with the treasurer. The commission shall have the power, and must create and name, the fund or funds of the city into which the money obtained from the sale of bonds shall be paid. And before or at the time of issuing said bonds the commission shall, by ordinance, provide for the levy and collection of a tax, to be levied and collected each year at the same time and in the same manner as other city taxes, sufficient to pay the annual interest upon such bonds issued and outstanding, and not less than such proportionate part of the principal thereof as one year's time bears to the whole term for which such bonds are to run; and in such manner that at or before the date of maturity of the bonds the whole amount collected therefor shall be sufficient to discharge the whole amount of the principal and interest. And the commission must, annually, thereafter levy such tax in sufficient amount to comply with the provisions of this section and the ordinance of the commission aforesaid; and the moneys arising from such levies shall be used for the payment of such bonds and interest coupons, and for no other purpose whatever. Whenever the amount in the hands of the treasurer belonging to the bond fund, after setting aside the

Tax for payment of interest and principal.

sum required to pay the interest maturing before the next levy, is sufficient to redeem one or more such bonds, he shall publish, once a week for two weeks, in the official newspaper of the city, a notice to the effect that he is prepared to pay such bond or bonds (giving the number thereof), and that if the same are not presented for redemption within thirty days after the first publication of such notice, the interest on such bonds will cease. He shall at the same time deposit in the post office a copy of such notice, enclosed in a sealed envelope, with the postage paid thereon, addressed to the owner or owners, as shown by the record thereof, kept in the treasurer's office. If such bond or bonds be not presented within the time specified in such notice, the interest thereon shall cease, and the amount due be set aside for the payment of the same whenever presented. All redemptions of bonds shall be made according to priority in order of their issuance, beginning at the first number.

Redemption.

SEC. 153. The city commission, by a vote of not less than three members thereof, may, whenever it be deemed desirable for the public interest, refund any outstanding bonded indebtedness of the city by the issue of other bonds, in such form and under such conditions as may be prescribed by general laws of the State of California in force at the time of such issue; *provided, however*, that such new bonds shall not bear a greater rate of interest than five per centum per annum.

Bonded indebtedness may be refunded by further issue.

ARTICLE XI.

POLICE DEPARTMENT.

Organization.

SECTION 154. The police department shall consist of a city commissioner, a chief of police, a police force, and all such subordinate officers, clerks, employes and other attachés as the city commission may, from time to time, prescribe. It shall be the duty of the commissioner to appoint, promote, reduce or prefer charges against any member of the department as in article XX provided. Every appointee to the department shall not be less than twenty-one, nor more than thirty-five years of age, must possess the physical qualifications prescribed by the civil service board (which shall not in any case be inferior to those required for recruits of the United States army), and, before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Police department, how constituted.

Qualifications of appointees.

Police department rules.

SEC. 155. It shall be the duty of the city commission to prescribe rules and regulations for the government, discipline, equipment and uniform of the departments, and to prescribe penalties for the violation of any rules or regulations. All such rules and regulations must be reasonable and couched in plain and concise language. Such rules and regulations, together with the penalties for the violation of each, shall be printed in the manual published for the guidance and infor-

Rules and regulations.

mation of the members of the police department. Second or repeated violations of any rule or regulation shall be punished with increasing severity, except as otherwise herein provided.

Chief of police.

Chief of
police.

SEC. 156. The chief of police shall be appointed by the commissioner presiding over the police department, and shall hold office at the pleasure of the appointing power; *provided, however,* that should a member of the regular police force of the city be appointed chief of police, his dismissal by the commissioner from the office of chief of police shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him prior to his appointment as chief of police. He shall have control, management and direction of all members of the department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to discipline any member of the department in accordance with the provisions of article XX. He shall, subject to the direction of the commissioner, have control and management of the city prison.

Powers of
chief of police
for certain
purposes.

SEC. 157. In the enforcement of law and the ordinances of the city, and in the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority, the chief of police shall, in the lawful exercise of his functions, have all the powers that are now or may be hereafter conferred upon sheriffs by the laws of the state.

General
responsibilities
and
powers.

SEC. 158. He shall be responsible for the execution of all laws and ordinances and the rules and regulations of the department. He shall see that the orders and processes issued by the police court, and such other orders and processes as may be placed in his hands, are promptly executed, and shall exercise such other powers connected with his office as may be provided for in the rules and regulations of the department.

Office, how
conducted.

SEC. 159. He shall keep a public office, to be provided by the city commission, which shall be open at all hours, day and night, and at which he or a police officer designated by him shall be in constant attendance. He shall devote his entire time to the discharge of the duties of his office, and shall not, save when on vacation, absent himself from the city except by the written permission of the commissioner in charge of the department, unless in pursuit of persons who have committed public offenses within the limits of the city. He may from time to time disburse such sums for contingent expenses of the department as, in his judgment, shall be for the best interest of the city, to be paid out of the contingency fund allowed the department. The aggregate of all such sums shall not in any one fiscal year exceed the amount appropriated to such fund.

Powers of
inspection.

SEC. 160. The chief of police shall possess powers of general police inspection, supervision and control over all pawnbrokers, peddlers, junkshop keepers, dealers in second-hand merchandise, auctioneers and intelligence office keepers. In the exercise

of such powers, the chief may, in writing, empower members of the police department to examine the books and premises of any such person, when in search of property feloniously obtained or in search of evidence to convict any person charged with crime.

Police officers.

SEC. 161. No member of the police force shall be allowed to receive any money, gratuity or compensation for any service he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, without the consent of the city commission. The members of the police force shall not follow any other profession, calling or business, but shall devote their entire time to the performance of their official duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this charter provided. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all ordinances of the city and with all laws of the state defining public offenses and regulating criminal proceedings. The city commission shall, by ordinance, provide for the appointment and compensation of such extra policemen as may, from time to time, become necessary for temporary duty, and may also, by ordinance, provide for the appointment of special policemen, to be paid by the person, firm or corporation petitioning for the same. All extra and special policemen shall possess all the powers and discharge all the duties of regular policemen, and be under the direction and control of the chief of police, and be subject to and obey all rules and regulations of the police department.

ARTICLE XII.

POLICE COURT.

SECTION 162. There is hereby constituted a police court, in and for the city of Sacramento.

SEC. 163. A judge of the police court shall be appointed by the city commission and shall hold office at the pleasure of said commission.

SEC. 164. Said police court shall have jurisdiction:

(1) Of all misdemeanors enumerated by the general laws or by ordinances of the city and of all other crimes cognizable by justices' courts and courts of justices of the peace and police courts under the constitution and laws of the State of California.

(2) Of all civil proceedings or criminal prosecutions for the violation of any provision of this charter, or of any ordinance of the city.

(3) Of the examination and commitment of persons charged with the commission of any offense that may be prosecuted by indictment or information.

(4) Such other criminal jurisdiction as is, or may hereafter be conferred by law upon police courts, justices' courts, or

justices of the peace; and in the exercise of such jurisdiction, the judge of the police court may punish persons guilty of contempt of court, and may issue warrants of arrest, subpoenas, venires, writs, executions, attachments and all other processes necessary and proper for the discharge of his duties.

Justice of
peace may
act on
request.

(5) In all cases in which the judge of the police court is a party or in which he is interested, or related to either party by consanguinity or affinity within the third degree, and in case of sickness, absence, or inability to act, any justice of the peace of the county of Sacramento may, at the request of the president of the city commission, act in the place and stead of said judge of the police court.

Clerk of
court.

(6) Said police court shall have a clerk, to be designated the clerk of the police court. The clerk shall keep a record of the proceedings and issue all processes ordered by the police court, and receive and daily pay into the city treasury all fines imposed by said court. He shall, each month, render to the auditor an exact and detailed account, in writing, upon oath, of all fines imposed and collected, and of all fines imposed and uncollected, and all other moneys collected on behalf of the city since his last preceding report, which shall be certified to by the judge of the police court. He shall prepare bonds and justify bail when the amount has been fixed by the judge, in cases where the bail does not exceed two hundred dollars (\$200), and he may administer oaths. The clerk shall remain at the court room of said court during business hours, and during such reasonable time thereafter as may be necessary for discharging his duties.

Court room,
when open.

(7) The city shall furnish a suitable court room for said judge of the police court, at which he shall remain from nine A. M. to twelve M., and from one P. M. to five P. M.; and the city shall also furnish the necessary dockets and blanks for the use of said court. Said court shall be always open, except upon holidays and non-judicial days, and also on such days for such purposes as are by law required of other courts of the state on said days.

Court of
record.

(8) Said court shall be considered a court of record, and shall have a seal, to be furnished by the city. Certified transcripts of the dockets, files or records, or of any papers, processes, or proceedings of said court, made by the clerk thereof, under seal of said court, shall be received in evidence in any court, and all warrants and processes of said court, and all processes issued, or acts done by said court and certified under its seal, shall have the same force and validity as though issued or done by any other court of record in the state.

Laws gov-
erning pro-
ceedings,
powers, and
jurisdiction.

(9) The police court shall be governed in its proceedings by the provisions of law regulating proceedings before justices' courts, justices of the peace, and police courts, except so far as the same are added to or modified by this charter; and such police court may be treated and considered as a justice's court whenever necessary to sustain and uphold the jurisdiction thereof, or any proceedings had therein; and all provisions of

law relating to justices of the peace and justices' courts are hereby made applicable to said police court, and nothing in the title of the court or of any papers or proceedings therein shall affect the question of jurisdiction; and said court and the said judge shall have all the powers and jurisdiction now or hereafter conferred by law upon justices' courts, police courts, or justices of the peace in criminal cases.

(10) All actions and proceedings pending and undetermined, in the city justice's court of the city of Sacramento, as said court existed prior to the taking effect of this charter, may be proceeded with, heard, tried, and determined in the police court herein provided for, before said police judge, the same as if such actions and proceedings had been originally commenced therein.

May take up work of justice's court.

ARTICLE XIII.

FIRE DEPARTMENT.

Organization.

SECTION 165. The fire department shall consist of a city commissioner, a chief, and such assistants, subordinate officers, firemen, extra men, clerks, employés and other attachés as the city commission may from time to time prescribe.

Members of fire department.

Qualifications.

SEC. 166. Every appointee to the department shall not be less than twenty-one nor more than thirty-five years of age, and, before his appointment, must pass a satisfactory examination under the rules and regulations prescribed by the civil service board.

Qualifications.

Appointments—Duties of the chief of the fire department.

SEC. 167. The chief of the fire department and all assistants, subordinate officers, firemen, extra men, clerks, employés, and other attachés shall be appointed by the commissioner having charge of the department, subject to the provisions of article XV of this charter. The chief of the fire department shall be charged with the special duty of superintending the extinguishment of fires. He shall have such powers and perform such other duties as may be provided for by this charter, or by ordinance. In the absence or disability of the chief of the fire department, an assistant chief shall perform his duties. The chief and assistant chief shall, except as herein provided, devote their entire time to the fire department, and shall not engage in any other occupation or business requiring their personal attention; and neither shall absent himself from the city without first obtaining written permission from the commissioner in charge of the department, which must be filed with the city clerk: but in no case shall both the chief and assistant be absent at the same time; and it is further provided that the engineers and drivers of fire engines, the drivers of hose carts and hook and ladder trucks and tillermen, together with such other members or employés as the chief shall designate, shall, except as herein provided, devote their entire time to the

Appointments.

Duties of chief and assistant.

Duties of employées.

duties of the department, and shall at all times, day and night, remain at the engine houses or stations, except when granted leave of absence by the chief.

Sleeping accommodations and offices.

Sleeping
rooms and
headquarters.

SEC. 168. There shall be provided suitable sleeping rooms in the several engine houses for the use of the permanent members of the department; and there shall be a general office where the chief and assistant chief shall make their headquarters daily during office hours, when not otherwise engaged in official duties.

ARTICLE XIV.

Police and fire relief and pension fund.

Relief and
pension
fund.

SECTION 169. A fund is hereby created to be known and designated as the police and fire relief and pension fund. The commissioner of education, the commissioner of finance, and the commissioner of public health and safety shall constitute a board of trustees of such fund, and the city treasurer shall be custodian thereof.

Retirement
from service
for age or
disability.

SEC. 170. The said board of trustees may retire and relieve from service any member of the police or fire department who has passed the age of fifty-five years or who has become infirm or disabled and who, upon examination by two regularly licensed and practicing physicians in the employ of the city, designated by the trustees for that purpose, may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duty. Said board of trustees shall, at the request of any member of the police or fire department who has arrived at the age of sixty years, retire and relieve such member making such application. Such retired member shall receive from the police and fire relief and pension fund a pension equal to one half of the salary attached to the rank held by him one year prior to the date of his retirement. No pension shall be paid under the provisions of this section unless the person claiming the same has been an active member of such department for twenty years in the aggregate preceding his retirement, and, except as hereinafter provided, the same shall cease at his death; and provided, further, that no pension shall be allowed any member of the police or fire department if such disability is the result of any unlawful or immoral act committed by such person while in such department.

Retirement
for injury
during
service.

SEC. 171. Any member of either department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon filing with the board of trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the chief of police, or the chief of the fire department, and by two regularly licensed physicians in the employ of the city, designated by the trustees for that purpose, recommending his retirement upon a pension, on account of such disability, may be retired from such department upon an annual pension, equal to one half the

amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

SEC. 172. The board of trustees, out of the police and fire relief and pension fund, shall provide for the family of an officer, member or employé of either department who may be killed while in the performance of his duty, as follows:

Provision
for family
of member
killed while
on duty.

(1) Should the decedent leave a widow, she shall, as long as she remains unmarried, be paid a pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

(2) Should the decedent leave no widow, but leave any child or children under the age of sixteen years, or should he leave a widow who shall die and leave his child or children under the age of sixteen years, such child or children collectively shall receive a pension equal to one half the salary attached to the position held by the father at the time of his death, until the youngest child attains the age of sixteen years; *provided*, that no child shall receive any such pension after attaining the age of sixteen years.

(3) Should the decedent leave no widow or orphan child, or children, but leave a parent or parents, dependent solely upon him for support, such parents so dependent shall, collectively, receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death, during such time as the board of trustees may determine its necessity.

SEC. 173. When a member of either department shall die from causes other than those specified in section 172 hereof, after ten years of service, and such death shall not be the result of any unlawful or immoral act committed by such person while in such department, then his widow, and if there be no widow, then his children, and if there be no widow nor children, then his mother, if dependent upon him for support, shall be entitled to the sum of one thousand dollars (\$1,000).

Benefit in
case of death
of member
from other
causes.

SEC. 174. Any member of either department, or other beneficiary receiving a pension from the police and fire relief and pension fund, who shall be convicted of a felony, or shall become dissipated or an habitual drunkard, or shall become a non-resident of this state without permission from the board of trustees, shall forfeit all right to such pension.

Forfeiture
of pension.

SEC. 175. The board of trustees may, on notice from the chief of police, or the chief of the fire department, reward any member of such department for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the board of trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of the funds provided by the city commission; and the city commission may, on application of the board of trustees, provide money for such purpose.

Reward for
heroic or
meritorious
conduct.

Payments made by warrant.

SEC. 176. The board of trustees shall hold quarterly meetings in April, July, October and January of each year, and special meetings upon the call of its president; it shall issue warrants, signed by its president and secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the police and fire relief and pension fund. Each warrant shall state for what purpose the payment is made.

Relief and pension fund book.

SEC. 177. The board of trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payments from the police and fire relief and pension fund, stating the amount of such payment and for what purpose granted; such lists shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as the police and fire relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor and ordered paid by him out of said fund.

Rules of board; compensation.

SEC. 178. The board of trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the board of trustees for any duty required or performed as a member of said board.

Annual estimate.

SEC. 179. The board of trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, and transmit the same to the commissioner of finance, who shall cause it to be included in his annual estimate of the probable expenditures of the city.

Deductions from pay for purpose of fund.

SEC. 180. The treasurer shall retain from the compensation of each member of the police and fire department, two dollars (\$2) per month, which shall forthwith be paid into the police and fire relief and pension fund. No other deduction shall be made from such pay for any other fund or purpose.

Pension to heirs of members dying during retirement.

SEC. 181. Upon the death of any member of either department, during retirement, under the provisions of this article, leaving a widow, provided she was the wife of such member at the time of his retirement, she shall receive from said police and fire relief and pension fund a yearly pension equal to two thirds of the pension received by such member at the time of his death; or if he leaves no widow, and leaves a child, or children, under the age of sixteen years, said amount shall be paid to such child, or children, in equal shares while under the age of sixteen years; *provided, however*, that if such widow, or child, or children shall marry, then such person so marrying shall thereafter receive no further pension from said fund; *and provided, further*, that if such deceased member leaves neither widow, nor child nor children, under the age of sixteen years, but leaves a mother dependent upon him for support, such pension shall be paid to the mother.

Pensions now existing.

SEC. 182. Pensions already existing in favor of the members of the police or the fire department shall be continued in force, subject to change under the provisions of this article.

ARTICLE XV.

CIVIL SERVICE BOARD.

Appointment, term, vacancies, qualifications and pay.

SECTION 183. Within sixty days after taking office, the city commissioners first elected shall appoint as members of a civil service board three persons; one to serve for two years, one to serve for four years, and one to serve for six years, from the first day of July next following the approval of this charter by the legislature. In June of each alternate year thereafter, the city commission shall appoint one person as the successor of the member whose term shall next expire, to serve for a term of six years. Vacancies on the civil service board, from whatever cause, shall be filled by the city commission for the unexpired term. Each member shall be paid a salary to be fixed by the city commission and based on the actual number of meetings of the civil service board attended, with a maximum sum per month. No member shall hold any other salaried office.

Civil service board, how constituted; compensation.

Removal from office.

In cases of misconduct, disability or wilful neglect in the performance of the duties of the office by any member of the board, such member may be removed from office by the city commission by an affirmative vote of four members, but such member of the civil service board shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses, who shall be required to give testimony if such member of the civil service board so requests. In all cases the hearing shall be public, and a full and complete statement of the case, together with the findings of fact made by the city commission, shall be filed with the city clerk, and shall be and become a matter of public record.

Removal of member from office.

Organization.

The board shall organize by electing one of its members to serve as chairman, and shall also appoint a secretary, to hold office at the pleasure of the board at a salary to be fixed by the city commission. The secretary shall be chief examiner and shall perform such additional duties as may be assigned to him by the board. The board shall keep minutes of its proceedings and records of all examinations held under its supervision. It shall be the duty of the board to make all necessary investigations concerning the enforcement and effect of the provisions of this article and the rules prescribed by the board. It shall make an annual report to the city commission, and the latter may require a special report from the board at any time. The city commission shall provide the civil service board with quarters and equipment suitable to enable it properly to perform its duties.

Organization of board; records; reports.

Classified civil service, what constitutes.

Creation of
classified
civil service.

SEC. 184. The civil service board shall classify all places of employment now existing or hereafter created in or under the city government, except as otherwise provided in section 185 of this article. The places so classified by the board shall constitute the classified civil service of the city, and shall be further divided into a competitive division and a labor division, the latter of which shall include all unskilled laborers. No appointment to any office or place of employment under the city government shall be made except in accordance with the provisions of this article, unless such office or employment has been specifically exempted therefrom; *provided*, that persons employed by the city at the time of the adoption of this charter by the people and who shall continue to be so employed when this charter takes effect, for general purposes, shall be classified by the civil service board without further examination, and shall retain their positions until discharged, reduced, promoted or transferred, as in this charter provided.

Effect on
present em-
ployees
of city.

Those exempt from civil service rules.

Persons
exempt
from civil
service rules.

SEC. 185. The provisions of this article shall apply to all persons in the employ of the city, except:

(1) Appointive officers of the first and of the second class, and their chief deputies.

(2) The members of such executive boards and commissions as may be created by the provisions of this charter or by the city commission.

(3) Professionally educated persons and experts employed by the city in their professional capacity.

(4) Assistant librarians.

(5) All employés of the school department.

(6) The personal secretaries of the city commissioners, and of such appointive officers of the first and of the second class as may be allotted secretaries by the city commission.

(7) All persons temporarily employed, in times of emergency, to prevent, or repair, damage to the city levee and drainage systems, or any property within the city, threatened, or arising, through flood, fire, or the fury of the elements.

The city commission may, however, by ordinance, create positions, other than those excepted in this section, to which, by permission of the civil service board, the civil service rules shall not apply.

Applications for positions.

Applications,
where filed.

SEC. 186. Applications and recommendations for all positions under the civil service rules, both in the competitive and labor divisions, shall be filed with the civil service board, and not elsewhere.

Rules.

Civil service
rules.

SEC. 187. The board shall prescribe and enforce all rules necessary to carry out the purposes of this article, and shall publish the same in the official gazette, together with all amend-

ments thereto or changes therein. Copies thereof shall be supplied to any candidate for examination, upon application. Such rules shall, among other things, provide for:

1. The classification of all positions in the classified civil service. Classification.
2. The subjecting of all applicants for places in the competitive division to examinations, which shall be public, competitive and free; such examinations shall be held at least twice a year, at times specified in the rules, and oftener, if necessary, and ten days' advance notice shall be given of any examination, by publication in the official gazette. Competitive examinations.
3. The appointment to positions, temporary or permanent, in the labor division in the order of the priority of application, after such non-competitive tests as the board may prescribe. Appointments in labor division.
4. The creation of eligible lists on which the names of successful candidates in the competitive division shall be entered in the order of their standing in examination, from which vacancies shall be filled. Eligible lists.
5. A period of probation in the police and fire departments, not to exceed six months, before employment is made permanent therein and during which the appointing power may discharge. Probationary employment.
6. Promotion on the basis of efficiency, character and seniority, lists being made and promotions made therefrom in the same manner as prescribed for original appointment. An advancement in rank or any increase in salary beyond the limit fixed for the grade by the city commission shall constitute promotion. Promotions.
7. The rejection of candidates or eligibles for reasons specified in the rules and not inconsistent with the provisions of this charter. Rejections.
8. Temporary employment without examination, with consent of the board, pending appointment from an eligible list. But no such temporary employment shall continue longer than sixty days, and successive temporary employment shall not be allowed. Temporary employment.
9. Transfer from one position to a similar position in the same class and grade, and for reinstatement within one year of persons who, without fault or delinquency on their part, are separated from the service, or reduced. Transfers and reinstatements.

Civil list.

SEC. 188. The board shall maintain a civil list of all persons in the city service, showing in connection with each name the position held, the date and character of each appointment, and of every subsequent change in status. Each appointing and supervising officer shall promptly transmit to the board all information required for the establishment and maintenance of the civil list, including immediate notice in writing of all appointments, permanent and temporary, made in the classified service, of all transfers, promotions, reductions, resignations, suspensions or vacancies, from any cause, in such Civil list.

service, and the date thereof. When any place of employment is created or abolished or the compensation thereof altered, the power making such change shall immediately report the same in writing to the board.

Civil service board, auditor and treasurer.

Certifica-
tions to
auditor and
treasurer.

SEC. 189. The board shall certify to the auditor all appointments to places of employment in the classified civil service, and all vacancies and changes of status occurring therein, and all suspensions with losses of salary. The treasurer shall pay no salary or compensation for service to any person holding a position in the civil service unless the pay roll or account for such salary or compensation shall bear the certificate of the auditor that the person named therein has been appointed or employed in accordance with the provisions of this article.

Certification and appointment of eligibles.

Appointments
from eligible
list.

SEC. 190. Whenever a position in the competitive division is to be filled, the board shall certify to the appointing power the names of three times the number of persons necessary to fill such position which names shall be taken from those standing highest on the eligible list for the place to be filled. A less number may be certified when there is not the requisite number on the eligible list. In all cases of vacancy in the competitive division, the appointing power shall notify the board of each separate place to be filled and shall fill such place by the appointment of one of the persons certified therefor, the others being restored to their relative places on the eligible list. All persons who have been on the eligible list for a competitive position for one year without appointment, or who have been certified three times without appointment, shall be removed from the list. Whenever a position in the labor division is to be filled, the board shall certify to the appointing power only as many names as there are places to be filled, and the persons certified therefor shall be appointed.

Positions
in labor
division.

No discrimination.

Religion
and politics.

SEC. 191. No person in the classified service, or seeking admission thereto, shall be appointed, reduced or removed or in any way favored or discriminated against because of his religious beliefs or his political opinions or affiliations.

Prohibition of political activity.

Political
activity
forbidden.

SEC. 192. No person holding a position in the classified civil service shall take any part in political management or affairs, or in political campaigns, further than to cast his vote or to express privately his opinion relative thereto.

Penalty.

Liability
to dismissal.

SEC. 193. Wilful violation of the provisions of this article or of the rules established thereunder shall constitute cause for dismissal from any position in the civil service of the city.

ARTICLE XVI.

BOARD OF PLAYGROUND DIRECTORS.

Appointments, term, vacancies, qualifications.

SECTION 194. There shall be a board of playground directors, consisting of the commissioner of education and four other persons, not more than two of whom shall be of the same sex, to be appointed by the city commission, as follows: The city commission shall, so soon as may be practicable after taking office, appoint as members of the board of playground directors four persons; one to serve for the term of two years, one to serve for the term of four years, one to serve for the term of six years, and one to serve for the term of eight years, from the first of July next following the approval of this charter by the legislature. In June of each second year thereafter the city commission shall appoint one person for the term of eight years, as the successor of the member whose term shall next expire. Any vacancy in the board of playground directors shall be filled by the city commission for the unexpired term. No member of said board shall hold other office under the city government, nor shall he receive compensation, unless such member be secretary of the board.

Board of
playground
directors,
now
constituted

Removal from office.

SEC. 195. In case of misconduct, disability, wilful or material neglect in the performance of the duties of the office, by any director, such director may be removed from office by the city commission by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses, who shall be required to give testimony, if such director so request. In such cases the hearing shall be public, and a full and complete statement of the case, together with the findings of fact made by the city commission, shall be filed with the city clerk, and shall be and become a matter of public record.

Removal
of director
from office.

Organization.

SEC. 196. The board shall organize as soon as may be practicable after its appointment, by the election from among its members of a vice-president, who shall exercise the functions of the president in his absence or disability, and the election of the secretary, who may or may not be a member of the board. The board shall hold regular public meetings at least once a month at the regular place of business which shall be assigned to it by the city commission, and shall adopt rules and regulations for its government and for the performance of its duties. Three of the five directors shall constitute a quorum to transact business, but no measure shall be passed without the affirmative votes of at least three directors.

Officers

Meetings

General powers.

General powers of board of playground directors.

SEC. 197. Said board shall have control and management of all children's playgrounds now owned or controlled by the city and all children's playgrounds that may hereafter be established or acquired by the city, and such control and management shall extend to and include, among other things:

(1) The power to lay out, equip and have the care, improvement and direction of such children's playgrounds and to designate them by name.

(2) The power to fix and prescribe the duties of all persons employed in any capacity whatever in the service of the board, unless such duties be prescribed by the provisions of this charter, or by law, or by ordinance.

(3) The power to establish rules and regulations for the conduct of its officers and employes, to require bonds from all or any of them, except laborers, in such sums as it may fix, such bonds to be approved by the city commission and filed with the auditor, in conformity with the provisions of section 17 of this charter.

(4) The power to establish rules and regulations for the government of aforesaid playgrounds not inconsistent with the general laws, with the ordinances of the city or with this charter.

City commission may set aside lands.

Lands for playgrounds.

SEC. 198. The city commission shall have the power by ordinance to set aside, either absolutely or for a definite period of time, any lands belonging to the city, for use as children's playgrounds, which shall be under the control and regulation of the board of playground directors, when, and so long as, used for such purpose.

Gifts.

Donations, legacies or bequests.

SEC. 199. The board of playground directors may, for and in behalf of the city, receive donations, legacies or bequests for the improvement or maintenance of said playgrounds or for the acquisition or improvement of new playgrounds, upon the trusts and conditions prescribed by the donors thereof. All such property, together with the incomes and profits thereof, shall be under the control of the board, and all moneys derived from such legacies, donations or bequests shall, unless otherwise provided by the terms of any such legacy, donation or bequest, be deposited in the city treasury to the credit of the playground fund. If the moneys received from such donations, legacies or bequests shall at any time exceed the amount necessary for immediate expenditure for the purpose of such donation, legacy or bequest, the city commission may, at the recommendation of the board, invest all or part of the same in interest bearing bonds in which the funds of the State of California may now or hereafter be lawfully invested.

Creation of playground fund.

SEC. 200. In order to maintain the public playgrounds and provide for the purchase, development and equipment of playgrounds and for other expenses authorized by this article, the

city commission shall set aside and create a fund to be known as the playground fund, and shall annually appropriate to such fund such amount as may in the judgment of the commission be deemed proper therefor.

SEC. 201. All moneys appropriated by the city commission for playground purposes or received by the board of playground directors from any other source shall be deposited in the city treasury to the credit of the playground fund, and shall be used exclusively for the purposes set forth in this article, and shall be expended upon the order of such officer or officers of the playground board as may, by resolution, be selected by it for the purpose. Copies of such resolution, duly certified, shall be filed with the commissioner of finance and the auditor.

Deposits and
expenditures.

Accounts, records and reports.

SEC. 202. The board shall keep books of account and a record of all city property in its keeping, and a record of all the proceedings of the board, in which shall be recorded the votes of all its members, with the ayes and nocs. The board shall, at the end of each month and at the end of each fiscal year, furnish to the city commission a detailed report of receipts and expenditures and a statement of all other business transacted, which shall be published in the official gazette. The board shall make to the city commission annually a report with recommendations, and may at other times make special reports and recommendations, and the city commission may at any time require from it special reports and recommendations.

Accounts
and records.

Reports.

ARTICLE XVII.

BOARD OF PARK DIRECTORS.

Appointment, vacancies, term, qualifications.

SECTION 203. There shall be a board of park directors, consisting of the commissioner of education and four other persons to be appointed by the city commission as follows: The city commission shall, so soon as may be practicable after taking office, appoint as members of the board of park directors four persons; one to serve for the term of two years, one to serve for the term of four years, one to serve for the term of six years, and one to serve for the term of eight years, from the first day of July next following the approval of this charter by the legislature. In June of each second year thereafter, the city commission shall appoint one person as the successor of the member whose term shall next expire, for the term of eight years. Any vacancy in the office of a member of the board of park directors shall be filled by the city commission for the unexpired term. No member of said board shall hold other office under the city government, nor shall he receive compensation, unless such member be secretary of the board.

Board
of park
directors,
how
constituted.

Removal from office.

SEC. 204. In case of misconduct, disability or wilful and material neglect in the performance of the duties of the office

Removal
of member
from office.

by any member of the board, such member may be removed from office by the city commission by an affirmative vote of four members, but such member of the board of park directors shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses, who shall be required to give testimony if such member of the board of park directors so requests. In such cases the hearing shall be public, and a full and complete statement of the case, together with the findings of fact made by the city commission, shall be filed with the city clerk, and shall be and become a matter of public record. The city commission shall provide suitable accommodations and equipment to enable the board properly to attend to its business.

Organization.

Officers.

SEC. 205. The board shall organize, so soon as may be practicable after appointment, by the election from among its members of a vice-president, who shall perform the duties of the president during his absence or disability, and the election of a secretary, who may or may not be a member of the board. The salary of the secretary shall be fixed by the city commission. The board shall hold regular public meetings at least once a month at the regular place of business which shall be assigned to it by the city commission, and shall adopt rules and regulations for its government, and for the performance of its duties. Three of the five directors shall constitute a quorum to transact business, but no measure shall be passed without the affirmative votes of at least three directors.

Meetings.

General powers.

General
powers of
board of
park
directors.

SEC. 206. Said board shall have control and management of all land and water parks, parkways, squares and public pleasure grounds, and of the landscape of all cemeteries, now owned or controlled by the city of Sacramento, or that may be hereafter established or acquired by said city, excepting properties now or hereafter acquired or set apart for children's playground purposes, and all grounds surrounding public buildings of said city, except school buildings, unless otherwise provided in this charter, and such control and management shall extend to and include among other things:

(1) The power to plan, lay out, regulate traffic in, and have the care and improvement (except as to paving and maintenance of the driveways), of all parks and public pleasure grounds, all boulevards which connect parks (when set aside as such by the city commission), all parkways now, or hereafter, owned or controlled by the city, whether within or without the limits, and to designate them by name; and to employ landscape architects and experts.

(2) The power to fix and prescribe the duties of all persons employed in any capacity whatever in the service of the board, unless such duties be prescribed by the provisions of this charter, or by law, or by ordinance.

(3) To plant and exercise supervision over all shade trees, shrubs and plants of all kinds on or in the streets and public grounds of the city and about the public buildings of the city.

(4) To make and provide for the enforcement of rules and regulations for the use of parks and public pleasure grounds and the highways thereof.

(5) To improve and adorn parks and other public grounds, and do all things necessary or proper to render the parks and public grounds of value to the public.

(6) To lease any property under its control, not needed for immediate improvement or public use, for a term not exceeding three years, and to receive the rent, and place the same in the park fund, to be used for park purposes.

(7) To make rules and regulations for the conduct of its officers and employes and to require bonds from all or any of them, except laborers, which bonds shall be approved by the city commission, and filed with the auditor, in conformity with the provisions of section 17 of this charter.

(8) To prepare plans and specifications for the erection of all buildings and structures pertaining to park purposes which may be erected on parks or public grounds; *provided*, that the city commission may erect or cause to be erected any municipal building or buildings thereon when not inconsistent with the tenure by which the city holds such grounds.

Leases and restrictions.

Sec. 207. Except as provided in this and the preceding section, nothing in this article shall be construed to authorize the board to lease any part of said parks, squares or public grounds to any person, firm or corporation, or to permit any person, firm or corporation to build or maintain any structure on any part of any park, square or ground, except as follows:

Lease of public grounds or buildings.

First—The board may lease for the use of the public, for a period not greater than one year, such buildings as may be constructed or acquired for park purposes, to such person, firm or corporation as shall undertake to serve such use.

Second—The board, with the consent of the city commission, given by ordinance, may lease lands under its jurisdiction for the purposes of having the lessee erect buildings and appurtenant structures and conduct the same for the use of the public. Every lease of the character last named shall be made at public auction to the highest responsible bidder, after publication of notice thereof for five days, stating explicitly the term and conditions of the proposed lease; *provided*, that no such lease shall be for a period of more than five years, and provided that the board may, in its discretion, reject any and all bids. And in every lease the board shall reserve the right to enter at all times upon the premises so leased, and shall make the condition that the building so leased shall be used for public park purposes only. No building shall be constructed by any lessee except it be within the object and purposes for

which said parks, squares and grounds were dedicated to or are held by the public.

Purchase or condemnation for park purposes.

Acquirement
of property
for park
purposes.

SEC. 208. The city commission may acquire lands or other property for park purposes by purchase or condemnation, but such purchase or condemnation shall not be at the expense of the park fund unless the board of park directors shall have requested the city commission, in writing, so to purchase or condemn; *provided*, that any property desired for park purposes in which any member of the park board or of the city commission may be interested shall be acquired by condemnation proceedings only, and the petition for condemnation shall set forth the interest of such member.

Gifts.

Donations,
legacies
and bequests.

SEC. 209. The board of park directors may for and on behalf of the city receive donations, legacies and bequests of real or personal property for the improvement or maintenance of existing parks and public pleasure grounds, or for the acquirement of new parks and public pleasure grounds, or for the establishment or maintenance therein of museums, zoological or other gardens, aquariums, observatories, buildings, monuments, statues and other works of art. and of their special features appropriate for parks designed for the pleasure or instruction of the public, upon the trusts and conditions prescribed by the donors thereof. All such property, together with the income and profits thereof, shall be under the control of the board, and all moneys that may be derived from such legacies, donations or bequests shall, unless otherwise provided by the terms of such legacy, donation or bequest, be deposited in the city treasury to the credit of the park fund. If the moneys derived from any such donation, legacy or bequest shall, at any time, exceed the amount necessary for immediate expenditure for the purposes of such donation, legacy or bequest, the city commission may, at the recommendation of the board, invest all or part of the same in interest bearing bonds in which the funds of the state of California may now or hereafter be lawfully invested. No outdoor work of art shall become the property of the city unless such work of art shall be approved by the board, nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any park, square or grounds belonging to the city of Sacramento. The term "work of art" as used herein shall apply to and include all statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent character intended for ornament or commemoration.

Outdoor
works of
art.

Annual levy for park purposes.

Creation
of park
fund, and
annual tax.

SEC. 210. In order to maintain the parks and park system and provide for the purchase, development and equipment of parks and other public pleasure grounds, and for the other expenses authorized by this article, the city commission shall

set aside and create a fund to be known as the park fund, and shall each year appropriate thereto and levy and cause to be collected a tax of not less than ten cents upon each one hundred dollars (\$100) of the value of all the property within the city taxable for municipal purposes.

Disbursement of park funds.

SEC. 211. All taxes levied for park purposes, as provided in this charter, all moneys realized from the sale of park bonds, all moneys appropriated by the city commission for park purposes or received by the park board from any other source, shall be deposited in the city treasury to the credit of the park fund, and shall be appropriated and used exclusively for the purposes set forth in this article. The moneys in such fund shall be expended upon the order of such officer or officers of the park board as may be selected by it for that purpose by resolution; copies of which, duly certified, shall be filed with the commissioner of finance and the auditor.

Deposits and expenditures.

Accounts, records and reports.

SEC. 212. The board shall keep books of account and a record of all city property in its keeping, and a record of all proceedings of the board, in which shall be recorded the votes of all its members, with ayes and noes. The board shall, at the end of each month and at the end of each fiscal year, furnish to the city commission a detailed report of receipts and expenditures and a statement of all other business transacted, which shall be published in the official gazette. The board shall make to the city commission annually a report with recommendations, and may at other times make special reports and recommendations, and the city commission may at any time require from them special reports or recommendations.

Accounts, records, and reports.

ARTICLE XVIII.

CITY LIBRARY.

SECTION 213. The city library shall be forever free to the inhabitants of the city; and to all such others as this article provides. The city library shall be under the control and management of the commissioner of education, who shall have such powers, duties and privileges as may be conferred upon him by the provisions of this charter and by the provisions of any general laws that may be applicable thereto; and he may do and perform any and all other acts and things necessary and proper to carry out the provisions of this article; *provided*, that the city commission may at any time exercise the power conferred upon it by general law of entering into any arrangement with the county for library service. The commissioner of education shall appoint a librarian, and may remove him for cause.

City library, and management thereof.

Appointment of librarian.

Powers and duties of the librarian.

SEC. 214. The librarian shall be the administrative officer of the city library, and his conduct of the office shall be subject

Powers and
duties of
librarian.

to the approval of the commissioner of education. He shall have the general management of the library, branches and property, and may establish additional branches. He shall make and enforce such rules and regulations as may be necessary for their administration, government and protection and shall determine what books and other library equipment shall be purchased. He shall have power to extend the use of the library and branches to persons outside of the city, under such rules and regulations as the commissioner of education may approve. He shall have power to loan, borrow from and exchange with other libraries, any books and other library equipment. He shall control and order the expenditure of all library moneys, subject to the approval of the commissioner of education. He shall authorize and approve all claims against the city library; or when incapacitated, shall designate an assistant to perform this duty. At no time shall the indebtedness incurred exceed the amount of money on hand for library purposes at the time the debt is incurred. He shall make requisition upon the purchasing agent for all supplies needed in the library and branches, except books and special library equipment. He shall recommend for appointment and removal all employes of the library, shall have supervision and authority over them, and enforce all rules made for the proper discharge of their duties. He shall grade the employes of the library whose duties require special training, into grades to be established by the librarian, and based on the duties required. Before appointment to a position in the graded service the candidate must pass an examination appropriate to the position sought and satisfactory to the librarian, and show a satisfactory experience in library work. Work in approved library schools or libraries, or a certificate issued by the board of library examiners as provided for by law, may be accepted by the librarian in lieu of such examination. The librarian may recommend for acceptance as apprentices candidates possessing qualifications satisfactory to him, and may recommend the dismissal of the same at any time if in his judgment it is best to do so.

Library
employes.

ARTICLE XIX.

E. B. CROCKER ART GALLERY.

Crocker
Art Gallery.

SECTION 215. The art gallery presented to the city of Sacramento by Margaret E. Crocker shall always be known as the E. B. Crocker Art Gallery, and shall be held, maintained and conducted by the city of Sacramento, according to the provisions of the deed presenting said art gallery to the city, executed by Margaret E. Crocker, dated May 2d, 1885, and recorded in book 115, page 298 of deeds, in the recorder's office of the county of Sacramento, State of California, and the president of the city commission is hereby declared to be the chief executive officer of the city in the sense and for the purpose of the trust created by the above deed; *provided*, that

should the terms and conditions of such tenure ever be altered, the city commission shall provide means, financial and administrative, to conduct and maintain the same in accord with such altered tenure.

ARTICLE XX.

SUSPENSIONS AND REMOVALS.

SECTION 216. Except in the police and fire departments, the appointing power shall have authority to suspend without pay for a period not exceeding thirty (30) days, or fine in any amount not exceeding one month's pay, any employé of such department for any violation of the rules of the department or for insubordination or for wilful neglect of duty, and may discharge any such employé. The chief of the fire department and the chief of police may respectively suspend for a like period, or fine in a like amount, and for similar cause, any member or employé of his department; *provided*, that such suspension or fine must be reported in writing to the commissioner in charge of the department within twenty-four hours thereafter, together with a statement of the reasons therefor. In the event that any member or employé of the police or fire department be charged with any offense which, under the rules of the department, or in the judgment of the commissioner in charge of the department, justifies the expulsion of such member from the service of the city, the commissioner shall prepare, or cause to be prepared, written charges against the accused, which shall be filed with the trial board herein created. Copies of all such charges shall be furnished to the accused, who shall have not less than ten (10) days after such service within which to prepare his defense thereto. The accused may, at the hearing of such charges, be represented by counsel and shall have the right to compel the attendance of such witnesses as he may desire to testify in his behalf.

Trial board.

SEC. 217. There is hereby created, for the purpose of hearing and determining charges made against any member or employé of the police or fire department, except those members of either department who are exempt from the civil service provisions of this charter, a board to be known and designated as the trial board, which shall be composed of the members of the city commission, other than the commissioner preferring the charge, and the president of the civil service board. The president of the civil service board shall serve as president of the trial board, and, in the event of a tie, shall have the deciding vote. The verdict and judgment of the trial board shall be final. If the accused be found guilty, the trial board may dismiss him from the service of the city or inflict such other punishment upon him as in the judgment of the board shall be adequate; *provided, however*, that in the event any employé or member of either the police or the fire department be found guilty of the charge of drunkenness on duty, the trial board

Suspension
or removal
of city
employes.

Charges
against
member of
police or fire
department.

Trial
board, how
constituted.

Trial of
member of
police or fire
department.

must dismiss him from the service of the city; *and provided, further,* that if any member or employé of either of said departments shall be found guilty and shall have been three (3) times previously suspended or fined, the punishment shall be dismissal from the service of the city.

Summary dismissal.

Summary
dismissal.

SEC. 218. Any officer, member or employé of either the police or fire department may be summarily dismissed by the unanimous vote of the city commission, for the good of the service.

The superior court to have concurrent jurisdiction.

Jurisdiction
of superior
court.

SEC. 219. Nothing in this article contained shall be construed to limit the jurisdiction of the superior court to hear and to determine any accusation brought against any elected or appointed officer of the city or any member of the police or the fire department under and pursuant to the provisions of sections seven hundred and fifty-eight (758) to seven hundred and seventy-two (772), both inclusive, of the Penal Code of the State of California.

ARTICLE XXI.

VACATIONS AND LEAVE OF ABSENCE.

Vacations
and leaves
of absence.

SECTION 220. All officers and regular employés of the city, after serving at least one year, shall be entitled to two weeks vacation annually, and shall not be required to work more than six days per week, except in times of emergency. Such vacations shall be had at such times as the executive head of the department in which such officer or employé may be serving shall direct, and shall be without loss of pay. Any member of the police department or of the fire department who becomes incapacitated by reason of injuries received in the performance of his duties shall be entitled to thirty days' sick leave without loss of pay. If such incapacity continues, he shall be entitled to half pay for an additional period of thirty days, and if such incapacity shall further continue, he shall receive such pay, if any, as the city commission shall direct. A member of either department claiming incapacity by reason of such injuries shall present a certificate signed by the health officer, certifying to the fact of such incapacity.

Sick leave.

ARTICLE XXII.

BOARD OF EDUCATION.

Board of
education,
how
constituted;
powers
and duties.

SECTION 221. The commissioners of the city of Sacramento shall be, *ex officio*, members of and shall constitute the board of education, and shall hold office for a term of five years from and after the first day of July next succeeding their election; subject, however, to recall and removal from office, as specified herein and by general laws: *provided, further,* that their tenure of office as members of the board of education shall be concurrent with their respective terms as commissioners of said city.

The board of education shall have full charge and control of all matters pertaining to the conduct of all public schools within said city, and shall exercise such powers, and perform such duties, with respect thereto as may be conferred or imposed upon them by law or by ordinance of the city. The board shall organize on the first Monday of July after this charter takes effect. It shall elect, from among its members, a president and a vice-president, and during the absence or disability of the president the vice-president shall perform his duties and exercise his functions, except as otherwise in this charter expressly provided. The president shall preside over all meetings thereof and exercise such other powers, and perform such other duties, with respect to the business of the school department of the city, as are conferred or imposed upon the president of the board of education by law or by any ordinance of the city. The board shall make, establish and enforce all necessary and proper rules and regulations for the government and progress of the public schools of the city, for the investigation of charges against any person in the employ of the department, and for carrying into effect all laws and ordinances pertaining to the public schools; and shall adopt and enforce an efficiency system and shall make all rules and regulations necessary to carry the same into effect.

The board shall hold regular meetings at least once in each month and at such times as shall be determined by its rules. Special meetings may be called at any time by the president or by any three members of the board; *provided, however*, that notice of such special meetings shall be personally served upon each member of the board, unless he be absent from the city, not less than twelve hours prior to such meetings. Three members of the board shall constitute a quorum for the transaction of business, but the affirmative vote of three members shall be necessary to pass or adopt any measure or to transact any other business affecting the public schools of the city. The board shall determine the rules of its proceedings; *provided, however*, that the yeas and nays shall be taken on all questions and entered on the records of the board. All meetings of the board shall be open to the public and its records shall be open to public inspection.

Meetings,
and conduct
thereof.

SEC. 222. Any member or officer of the board of education, who shall, while in office, unlawfully or corruptly accept any donation or gratuity in money or of any valuable thing, either directly or indirectly, from or in behalf of any teacher or candidate, or applicant for a position as teacher, upon any pretense whatever, shall be guilty of malfeasance. Any member of the board of education, officer, or other person connected with the school department, or drawing a salary from the board of education, who shall unlawfully or corruptly gain any advantage or benefit from any contract, payments under which are to be made, in whole or in part, from the public school fund, or from moneys raised by taxation or otherwise for the support of the public schools, shall be guilty of malfeasance.

Corruption
in office.

Extraor-
dinary
expenditures.

SEC. 223. In case of disaster from fire, flood, wind, riot, earthquake, or public enemy, the board of education may incur extraordinary expenditures in excess of the annual limit provided by law and in this charter for the repair, construction, and furnishing of schoolhouses; and the city commission may, by ordinance, cause to be transferred to the school fund, from any moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditure.

Appoint-
ments by
board.

SEC. 224. As soon as may be practicable after organization, the board of education shall elect a superintendent of schools and such other assistants, clerks and employés as may be necessary, prescribe their duties and fix and order paid their compensation.

Term of employment for teachers.

Term of
teachers.

SEC. 225. For the first two years of their service in the school department of the city, teachers shall be subject to annual election. After two years' service, they may be elected for a term of three years. In the event that the board of education shall determine not to reelect any teacher employed in the public schools of this city, the board must, not later than two months prior to the expiration of the term for which such teacher was employed, serve, or cause to be served, upon such teacher, personally, a notice in writing directed to such teacher and informing such teacher of the intent to dispense with the services of such teacher at the expiration of said term of employment. A record of such service shall be kept in the office of the board of education, showing the date when, the place where, and the person by whom such notice was served. In the event that the board of education shall fail or neglect to serve such notice as hereinabove provided within the time herein limited, such teacher shall be deemed elected for, and shall serve another year in the same position in the school department of the city.

ARTICLE XXIII.

FRANCHISES.

Property rights of the city inalienable.

Property
rights
inalienable.

SECTION 226. The title and rights of the city in and to its water front, wharf property, lands under water, public lands, wharves, docks, streets, highways, levees, drainage system, parks and all other public places and property, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

No exercise
of franchise
without
authority.

SEC. 227. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article, except as, and in so far as, he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, under or along any street, highway, or other public place in the city, unless under the authority of a grant obtained in accordance with the provisions of this article.

Franchise to use streets.

SEC. 228. Every franchise, permit or privilege to construct, maintain or operate street, suburban, interurban or steam railroads under, upon, over, across or along any street, highway or other public place, or to lay pipes or conduits, or to erect poles or wires or other structures in, upon, over, across or under any street, highway or other public place in the city, for the transmission of gas, electricity, steam, oil, air or other substance, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Franchises,
how
granted.

Applications for franchise.

SEC. 229. (1) An applicant for a franchise, permit, or privilege to construct, maintain or operate any street or suburban railroad within the city or any part thereof, shall file with the city commission an application therefor, and thereupon the city commission shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for ten successive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Street or
suburban
railroad.

Conditions of grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant; the route to be traversed: that sealed bids therefor will be opened at a stated time and place; and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the city during the life of the franchise, permit or privilege, the highest percentage of the gross receipts to be derived from the use, operation or possession of such franchise, permit or privilege, as hereinafter provided. Such advertisement shall require all bidders for such franchise to offer and agree to pay to the city a stipulated percentage, which shall be stated in the bid, of the gross annual receipts arising from all business to be transacted by such road during the term of such franchise; *provided*, that the minimum percentage to be offered by any bidder shall not be less than two per cent of said gross annual receipts during the first five years, not less than four per cent during the next ten years, and not less than five per cent during the remainder of the term; *and further, provided*, that if such franchise, permit or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately upon the taking effect of the new franchise; *and provided, further*, that if such franchise be for the extension of an existing road, the payment of the current percentage of the gross receipts shall begin immediately upon the taking effect of the new franchise. The city commission must, in and by such advertisement, reserve the right to reject any and all bids.

Conditions
of grant of
franchise
for street or
suburban
railroad.

Bidding for the franchise.

Grant to
highest
bidder.

(3) At the time of opening the sealed bids, any responsible person may bid for such franchise, permit or privilege, not less than one quarter of one per cent of the gross annual receipts for the entire term of the franchise above the highest sealed bid therefor, and such bid so made may be raised not less than one tenth of one per cent of the gross annual receipts for such entire term by any other responsible bidder. Such bidding may continue until finally such franchise shall be struck off, sold and awarded by the city commission to the person, firm or corporation offering to pay the highest percentage of the gross annual receipts arising from the use, operation or possession of the street or suburban railway authorized by the provisions of such franchise; *provided*, that if, in the judgment of the city commission, no adequate or responsible bid has been made, the city commission may withdraw such franchise from sale or advertise for new bids.

Deposit as guaranty of good faith.

Deposit to
accompany
bid.

(4) Every application for any such franchise, permit or privilege, and every bid therefor, except that of the applicant, shall be accompanied by a cash deposit of two thousand dollars (\$2,000), or a certified check for said amount, payable to the city clerk, as a guaranty of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the advertising and granting of such franchise, permit or privilege. Upon the franchise, permit or privilege being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free competition in bidding.

Competition
in bidding.

(5) No clause or condition of any kind shall be inserted in any advertisement of any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Bond.

Bond filed by
successful
bidder.

(6) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the city, to be approved by the city commission, in the penal sum to be prescribed by the city commission and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term

and condition of such franchise, permit or privilege, and that in case of any breach of the conditions of such bond, the whole amount of the penal sum therein named shall be forfeited to the city. Such bond shall be filed with the city commission within five days after such franchise, permit or privilege is awarded, and within thirty days after the filing and approval of such bond the city commission shall grant such franchise, permit or privilege by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it shall have been struck off, sold or awarded. But in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside, and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited, and the franchise, permit or privilege shall, in the discretion of the city commission, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchise.

SEC. 230. The maximum length of time for which a franchise, permit or privilege for any purpose, other than the maintenance and operation of a steam or interurban railroad, may be granted, shall be twenty-five years; *provided, however,* that no exclusive franchise, permit or privilege, shall ever be granted; *and provided, further,* that no such franchise shall ever be granted for a term extending beyond the period fixed by law for the termination of the corporate existence of the grantee, if a corporation; nor shall any such franchise ever be granted which shall have the effect of extending or prolonging any existing franchise beyond the term originally fixed for the expiration thereof in the ordinance granting the same, unless such subsequent franchise be granted in conformity with the provisions of section 246 hereof. Franchises for steam and interurban railroads may be granted for a term not exceeding thirty-five years.

Length of time for which franchises may be granted.

Franchises for other purposes.

SEC. 231. It shall be the duty of the city commission, within six months from the date of its organization, to proceed to ascertain, determine and fix the amount of cash rental to be exacted from every person, firm or corporation to whom may be granted any franchise, permit or privilege to lay pipes or conduits, or to dig tunnels, or to erect poles or towers or other structures in, upon, over, across, along or under any street, highway, alley or other public place within the city, to be used for the transportation of any commodity to be supplied to the city or its inhabitants, or for the transmission of electricity, for light, heat, power or other uses, or for the transaction of a telegraph or telephone business, either public or private, or for any other purpose not specifically mentioned in the provisions of this article. Such rentals shall be segregated so as to provide a specific charge for:

Franchises for purposes other than street or suburban railroads.

1. Each mile or fraction thereof of pipes, conduits or tunnels.

2. Each pole, tower or other structure used for the purpose of carrying or sustaining wires.

3. Each mile or fraction thereof of wire maintained by any such grantee within the city. The rentals so ascertained and fixed may be subsequently increased by the city commission at intervals or periods of five (5) years each, in such amounts as the commission may deem necessary and proper at the time of making any such increase.

Steam or
interurban
railroads.

It shall also be the duty of the city commission, within the same period following its organization, to proceed to ascertain, determine and fix a reasonable and proper rental to be exacted from all steam or interurban railroads to which may be granted any franchise, permit or privilege, authorizing such grantee to lay down, maintain or operate any track or tracks upon, over, along, across or under any street, alley, highway or other public place within the city and used for the transportation of freight or passengers. Such rental shall be ascertained, determined and fixed upon a basis of a charge to be made for each ton of freight transported over each mile or fraction thereof of any track or tracks constructed, maintained, used or operated within the city limits by the grantee of any such franchise, and in ascertaining the aggregate of such tonnage, the weights of locomotives, cars and other rolling stock shall be included.

Application.

Applications
for franchises
other than
street and
suburban
railroads.

SEC. 232. Applicants for franchises which involve the use by the grantee of any portion of any street, highway, alley, or other public place within the city, whether on, above or below the surface thereof, for any purpose other than the construction, maintenance and operation of street and suburban railways, shall not be required to comply with the provisions of section 229 of this article, but, in lieu thereof, shall proceed as follows:

An application shall be filed with the city commission, wherein there shall be clearly and distinctly stated:

1. The name of the applicant.
2. The purpose for which such franchise is desired and, if for a steam or interurban railroad, the kind of road which it is proposed to construct and the motive power to be used.
3. The precise route to be followed, stating the points between which or at which all streets, highways, alleys or public places (naming them) are to be traversed, intersected or crossed.
4. The location and position of all structures which are to be maintained under such franchise, if granted.
5. The term for which such franchise is desired.
6. The estimated cost of construction of the works authorized by such franchise.
7. Such additional information or data as the city commission may prescribe.

Notice of hearing.

SEC. 233. Upon receipt of such application, the city commission shall appoint a time, not less than thirty days from the

date of the order fixing the same, for hearing and considering the application, and shall cause notice thereof to be published in ten consecutive issues of the official newspaper of the city immediately preceding the date of the hearing. Such notice shall set forth the data mentioned in the preceding section and such additional data or information as the city commission may see fit to include therein. The city commission shall also require the superintendent of streets to cause to be conspicuously posted, along the route described in such application, not less than ten days prior to such hearing, copies of such notice, printed and posted in the same manner that notices of street work are required to be printed and posted. Affidavits in proper form showing the facts of such publication and of such posting must be filed with the city clerk prior to the day set for such hearing.

Notice of hearing.

Hearing.

SEC. 234. At the appointed time and place the city commission shall proceed to hear and consider such application and all remonstrances and protests, if any, against the granting of such franchise. If, in the judgment of the city commission, no sufficient reason is shown why such application should not be granted, it may proceed to grant to the applicant a franchise in conformity with the terms of the application, or such modifications thereof as the city commission shall deem to be for the public interest, and upon the terms and conditions of this article applicable thereto. Such grant shall, in every case, be made by ordinance, subject to the referendum provisions of this charter. The provisions of sections 226, 227, and subdivisions 4 and 6 of section 229 shall apply to all such franchises.

Consideration of application.

Rental.

SEC. 235. Before any such franchise can be granted, the applicant therefor must, in a written instrument signed and acknowledged by some officer, agent or other person authorized in law to bind the applicant, offer and agree to pay to the city, as a consideration for the granting of such franchise, and as rent for the use of the streets, highways, alleys and other public places mentioned therein, during the entire period for which such franchise may be granted, the rental fixed and determined by the city commission under the provisions of section 231 of this article. The stipulated amount of such rental shall be inserted in the ordinance granting such franchise as a condition thereof, and the ordinance shall expressly provide that any failure to pay such rental at the stipulated times, or any concealment or false statement of the amount due shall work a forfeiture of the franchise and of all rights granted thereunder. All payments provided to be made hereunder shall be made quarterly, or oftener if the city commission and the grantee of such franchise so agree.

Rental required from grantee.

Reports and payments.

SEC. 236. Every person, firm or corporation operating any business under a franchise, permit or privilege granted under

Reports and payments by grantee of franchise.

this article, by the terms of which such grantee is required to pay to the city a percentage of the gross receipts arising from such business, shall file annually with the city auditor on such date as shall be fixed by the city commission a report for the preceding year. Such report shall be in writing, verified by the affidavit of some officer, agent or other person authorized in law to bind the grantee, and shall contain a statement, in such form and detail as may be prescribed by the city commission, of all gross receipts arising from all the business done by said person, firm or corporation, under said franchise, permit or privilege during the year immediately preceding such report. Such report shall contain such further statements as may be required by the city commission concerning the character and amount of business done under such franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege, for new construction, and for repairs and betterments during the year. The stipulated percentage of the gross receipts shall be paid annually at the time of filing the annual statement. A failure to pay such percentage, or the filing of a false statement, or the concealment of any revenues arising from the business conducted by the grantee of any franchise, permit or privilege requiring such grantee to pay such percentage, shall work a forfeiture of the franchise, permit or privilege under which such grantee is operating. The grantee of every franchise authorizing the construction, maintenance or operation of any steam or interurban railroad within the city, shall, quarterly, or oftener if the city commission and the grantee of such franchise shall so agree, furnish to the city auditor a statement showing the aggregate tonnage transported over each mile, or fraction thereof, upon any track or tracks of such grantee constructed in, on, under or over any street, highway, alley or other public place within the city, during the preceding quarter or other interval, and shall at the same time with the rendition of such report pay to the city treasurer the amount shown to be due thereunder. All books, records, tonnage sheets, wheel reports, way bills and other data from which records are compiled shall be subject to inspection by such city officer or certified public accountant as may be designated or employed by the city commission for the purpose of verifying such reports and statements.

Reports concerning steam or interurban railroads.

Examination of books and records.

Examination of books and records of grantee.

SEC. 237. The city of Sacramento, by and through such officer of the city as the city commission may designate, or such certified public accountant as the city commission may employ for that purpose, shall have the right at all reasonable times to examine all books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise, permit or privilege granted by the city, for the purpose of verifying any of the statements or reports required by this article, and for

any other purpose whatsoever connected with the duties or privileges of the city or of the person, firm or corporation, arising from this charter or from the ordinance granting the franchise, permit or privilege, and may audit the same at such times as the city commission shall determine.

Beginning and completion of work.

SEC. 238. The plans and specifications of all work to be done in, upon, over, across, along or under any street, highway, alley or other public place within the city under the provisions of such franchise, permit or privilege, shall be filed with and approved by the city engineer before any such construction work is commenced; and the grantee of every such franchise, permit or privilege shall prepare and file with the city engineer suitable maps showing the precise location in, upon, over, across, along or under any street, highway, alley or other public place within the city, of all tracks, conduits, tunnels, pipes, poles, towers or other structures, and of all wires attached thereto, which such grantee proposes to lay down, erect, construct, maintain, equip and operate under the provisions of such franchise, permit or privilege. Such maps must be filed before any work of construction shall be commenced, and when filed, shall, together with the plans and specifications, be retained in the office of the city engineer as public records thereof, and shall be open to the inspection of the public at all times during office hours.

Plans, specifications and maps must be filed with city engineer.

SEC. 239. Every ordinance granting any such franchise, permit or privilege shall specify the location and position of all work to be done thereunder; the kind of rails to be used, and the manner of laying the same; the precise location and dimensions of all tunnels, conduits and pipe lines and the materials of which they are to be constructed; the precise location, dimensions and materials of all poles, towers or other structures to be used for the purpose of sustaining wires, and the method, if any, to be employed for bracing the same; and every such ordinance shall reserve to the city commission the power to require changes of material or location whenever in its judgment such changes are necessary for the public safety or convenience. The city engineer shall not approve any plans or specifications submitted by the grantee of any such franchise, permit or privilege unless the same are found to be in conformity with the provisions of the ordinance making such grant.

Location, and character of work and materials, subject to approval.

SEC. 240. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced in good faith within four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance

Commencement and completion of work under franchise.

Extension
of time.

granting such franchise, permit or privilege, which time shall not be more than three years from the date of the taking effect of the ordinance granting said franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited; *provided*, that for good cause shown, the city commission may, by resolution, extend the time for completion thereof not exceeding three months; *and provided*, further, that should the prosecution of such work, or any part thereof, be enjoined by any court of competent jurisdiction, the time during which such injunction remains in force shall not be included in determining the expiration of the period hereinabove limited for the completion of such work.

Reports of cost.

Statement of
expenditures.

SEC. 241. The grantee of any franchise, permit or privilege must, during construction, file monthly with the city engineer a statement of the expenditures for new construction during the calendar month next preceding the filing thereof, which shall be verified by the oath of some officer, agent or other person authorized in law to bind the grantee. No cost of maintenance, operation, repair or replacement shall be considered to be a cost of construction or included in any such statement. Such statement may be used in determining the cost of construction, but shall not, in any event, be binding upon the city.

Service and accommodations.

Service and
accommoda-
tions subject
to regulation.

SEC. 242. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things, the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and charges.

Right
of city to
regulate
rates and
charges.

SEC. 243. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to prescribe and regulate rates, fares, the exchange of transfers, rentals or charges to be made by the grantee for the service rendered under such franchise, permit or privilege, except when such matters are regulated by state or federal authorities. The grant of every franchise, permit or privilege for a street railroad, or a suburban railroad, shall provide that all United States mail carriers, when in uniform, and all policemen and firemen of the city, while in the actual discharge of their duties, shall be allowed to ride on all cars of such railroad within the boundaries of the city without paying fare therefor and with all the rights of other passengers.

Efficiency of service.

SEC. 244. Every ordinance granting any franchise, permit or privilege shall expressly provide for the maintenance of the plant and fixtures to be constructed thereunder at the highest practicable standard of efficiency at all times, and shall further provide that a wilful failure and neglect of the grantee to observe the standards of efficiency and service prescribed by the city commission shall be a ground for the forfeiture of such franchise and of all rights, privileges and benefits accruing to the grantee thereunder.

Efficiency
and service.*Right of city to assume ownership.*

SEC. 245. Every ordinance granting any franchise, permit or privilege except for a steam or interurban railroad, shall provide that the city, at its election, may, upon the payment of a fair valuation therefor, to be made in the manner and at the time provided in the ordinance making the grant, purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise, permit or privilege be considered or taken into account in fixing such valuation. And the city commission must insert in every such ordinance a reservation of the right to purchase the plant and property of the grantee at and after such time, to be specified in the ordinance, as the city commission may fix when granting such franchise. Or it may be provided in the ordinance granting any franchise, permit or privilege that the property and plant of the grantee shall, at the expiration of the period for which such franchise, permit or privilege is granted, become the property of the city without any compensation to the grantee. In either case the plant and property of the grantee shall become the property of the city upon the happening of the contingencies specified in the ordinance, or the purchase by the city, and the city shall have the right to assume the possession, control, management and operation thereof without the necessity of any instrument of conveyance whatever to transfer title to the city; *provided, however,* that nothing in this section shall ever be construed to require the city to purchase the plant and property of any such grantee, or to take over the same without purchase, should the city commission or the people, by a referendum vote, determine such purchase, or such acquisition without purchase, to be undesirable.

Right of city
to assume
ownership.*Renewals and extensions.*

SEC. 246. Subject to the limitations prescribed in section 230 of this article, the city commission may, in its discretion, grant renewals or extensions of franchises, permits or privileges for any of the purposes specified in section 228, for a limited period, in no event exceeding ten years; *provided, however,* all such renewals and extensions shall be made by ordinance, subject to the referendum provisions of this charter; *and provided, further,* that the grantee of any such renewal or extension shall

Renewal or
extension of
franchise.

be required to pay to the city such percentage of its gross receipts annually, or such cash rental as may be agreed upon between the grantee and the city commission, which shall in no event be less than such grantee was required to pay during the year immediately preceding the expiration of such franchise, permit or privilege.

Lease or assignment of franchise.

Lease or
assignment
of franchise.

SEC. 247. No franchise, permit or privilege granted by the city shall be sold, leased, assigned or otherwise alienated without the express consent of the city, given by ordinance, and no dealings on the part of the city with any purchaser, lessee or assignee, to require the performance of any act or payment of any compensation by such purchaser, lessee or assignee, shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantee from the city of such franchise, permit or privilege from including it in a mortgage or deed of trust, executed for the purpose of obtaining money for corporate objects.

Street sprinkling, cleaning and paving.

Grantee of
railway
franchise to
clean and
repair streets.

SEC. 248. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways, or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, pave and repave, or macadamize and remacadamize so much of said street, highway or other public place as may be occupied by the track or tracks of such railroad or railway, and for a distance of two feet beyond the outer rails thereof. All such street repairs and improvements must be done with such materials, at such time, and in such manner as the city commission may prescribe, and must be done under the supervision of, and completed to the satisfaction of, the superintendent of streets.

Fire and police alarm wires.

Police and
fire alarm
wires.

SEC. 249. Every grant of any franchise, permit or privilege authorizing the grantee to use any street, highway, alley or other public place of the city for the purpose of constructing, erecting, laying down and maintaining any poles, towers, or other structures above the surface, or any conduits, tunnels or other structures below the surface, for the carriage of wires, shall contain the condition that the city shall have the right to use such poles, towers, conduits, tunnels or other structures, without cost, for the carriage of the police and fire alarm wires of the city, and the further right to attach its call boxes to any of such poles or towers. All poles, towers, or other structures above the surface of the ground shall be plainly numbered and marked with the name of the owner thereof, and shall be placed at such intervals and painted with such colors and at such times as the city commission may prescribe.

Levees.

SEC. 250. In any grant of any franchise authorizing any railroad track or tracks to be laid down, maintained and operated, or used for the storage of cars, upon any levee or levees built and maintained by the city of Sacramento, it must be inserted as a condition thereof that the grantee will, whenever so required by the city authorities, at its own cost and expense, raise so much of said levee or levees as may be occupied by its track or tracks and for a distance of two feet beyond the outer rails thereof, on each side, to the height and grade prescribed by the city, and that as nearly as may be practicable, all of such work shall be done simultaneously with the work done upon the remainder of such levee or levees by the city, and with the same kind of materials.

Levees used for railway purposes.

No exclusive franchise.

SEC. 251. Every franchise hereafter granted to any applicant for a steam or interurban railway shall, in express terms, require the grantee hereof to permit any other steam or interurban railroad now doing business in the city, or that may hereafter desire to enter the city, to make joint use with the grantee of all tracks that may be laid on, in, under or above any street, highway, alley or other public place within the city, for the purpose of entering, passing through, and leaving the city, upon paying, or tendering, to the grantee a fair proportion of the cost of construction and maintenance of the track or tracks so used. Any refusal by the grantee to permit such joint use shall work a forfeiture of the franchise and of all rights and privileges acquired thereunder.

Joint use of tracks by steam or interurban railways.

Bridges.

SEC. 252. In the event that any such franchise is granted authorizing the use of any street, highway, alley or other public place within the city for the purpose of constructing, maintaining and operating any track or tracks leading to any bridge or bridges across the Sacramento river or the American river, the grantee thereof must also agree, as a condition of such grant, to permit any and all such other roads to use such bridge or bridges for the transportation of trains, locomotives, cars and other rolling stock, upon being paid a fair proportion of the cost of construction and operation of such bridge or bridges, and of the maintenance thereof while so used by such other road or roads.

Joint use of bridges by railways.

Switching.

SEC. 253. Every such franchise shall be granted upon the further condition that any steam or interurban railroad now doing business within the city, or that may hereafter enter the city, shall have the right to have its cars delivered to, and returned from any warehouse, switch, terminal, spur track, wharf, manufacturing establishment, or other place within the city used for loading and unloading cars and reached by any track or tracks of such grantee, without delay, discrimination

Joint switching.

or favoritism of any kind, upon payment of a just and reasonable charge therefor, and until, or unless, such switching charges be established and fixed by federal or state authority, the city commission shall have the right to fix and prescribe the charges to be exacted for all such service.

Wharves.

Common use
of wharves.

SEC. 254. No exclusive franchise for the construction of any wharf abutting upon or adjoining any part of any street, highway, alley or other public place within the city shall ever be granted under any circumstances, but all ordinances making such grants shall expressly provide that the grantee thereof must allow the use of any and all facilities for the loading and unloading of boats and vessels of all descriptions, whenever feasible, by any person or vessel desiring the same, irrespective of ownership, upon payment to the grantee of such compensation as may be fixed by the city commission for the use of any and all of such facilities. Every ordinance making such grant shall expressly reserve to the city the right to prescribe and change the rates of wharfage and transit levy dues upon all vessels and commodities, and to provide for the collection thereof.

Limitation.

Period
of wharf
franchise.

SEC. 255. No wharf franchise shall ever be granted for a period longer than ten years.

Ordinance in plain terms.

Construction
of
ordinances.

SEC. 256. No franchise, permit or privilege, or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Other conditions may be imposed by city commission.

Power to
impose
further
conditions.

SEC. 257. Nothing in this charter shall be construed as prohibiting the city commission from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this charter, as the city commission may desire to insert therein, or the people may by the initiative indicate their desire to have so inserted.

Definitions.

Suburban
and
interurban
railways
defined.

SEC. 258. The term suburban railways as used in this article shall be deemed and construed to mean and include all railways operated within the city limits for the transportation of passengers from point to point within the city, and to and from points within the city and points without the city limits but within close proximity thereto. The term interurban railway shall be deemed and construed to mean and include all railways, other than steam railways, operated between points within the city and other cities and towns, for the carriage of passengers, baggage, express matter, mails, or freight.

Forfeiture for non-compliance.

SEC. 259. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in case of such breach or failure the city commission shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though in each instance such power was expressly reserved; and wherever the charter shall provide that any ordinance granting a franchise, permit or privilege shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege.

Forfeiture of franchises.

Franchise record.

SEC. 260. The city commission shall require every person, firm or corporation making use of any portion of any street, highway, alley or other public place within the city for the purpose of supplying the city or its inhabitants with any public service or public utility of any kind whatever, to file in the office of the city clerk, within six months after this charter takes effect, full, true and correct copies of all laws, ordinances, resolutions or other legislative action granting unto such person, firm or corporation, or to his or their predecessors in interest, the right, privilege or permission to use such streets, highways, alleys or other public places for such purpose, showing the date of passage thereof, the identity of the legislative body making the grant, all assignments thereof, if any, and such other data as the city commission may prescribe. The city commission shall cause the complete text of all such reports, together with the complete text of all subsequent grants of any franchise, permit or privilege of any kind made under the provisions of this charter, to be copied into a book of record, which shall be kept in the office of the city clerk. All annual, or other, reports and statements of every kind required to be filed under the provisions of this article shall likewise be copied into such book of record, together with certified copies of all judgments or decrees affecting the same, and such other data as the city commission may from time to time prescribe. Such book shall be properly indexed and shall be open to the inspection of the public at all times during office hours.

Reports by public utility companies as to operation of franchises.

Franchise book of record.

ARTICLE XXIV.

ELECTIONS.

General and special municipal elections.

SECTION 261. A municipal election shall be held on the first Saturday in May next following the approval of this charter by the legislature, and on the first Saturday in May of each year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as pro-

Time elections shall be held.

vided in subdivision twenty of this section, on the second Saturday after the declaration of the official canvass of the returns of said general municipal election, and shall be known as a second general municipal election. All other municipal elections that may be held by authority of this charter, or by general law, shall be known as special municipal elections.

Nomination and election of city officers.

Mode of nomination and election.

The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows:

CONDITION OF CANDIDACY.

Declaration of candidacy.

(1) The candidate, not later than the first presentation to the city clerk of his petition of nomination, as in this article set forth, and not earlier than thirty (30) days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

STATE OF CALIFORNIA, }
COUNTY OF SACRAMENTO, } ss.
CITY OF SACRAMENTO. }

DECLARATION OF CANDIDACY.

I,....., residing at No., street, Sacramento, Cal., being duly sworn, hereby declare myself a candidate for the office of city commissioner, to be voted for at the municipal election to be held in the city of Sacramento on the day of 19....
(Signed).....

Subscribed and sworn to before me this day of 19....

[SEAL.] City Clerk (or Notary Public.)

Conditions of candidacy.

The name of a candidate shall be printed upon the ballot when a declaration of candidacy and a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions in this article set forth, such candidate not having withdrawn under the provisions of subdivision nine of this section.

Petition of nomination.

Petition of nomination.

(2) The petition of nomination shall consist of not less than one hundred nor more than three hundred individual certificates, which shall read substantially as follows:

INDIVIDUAL CERTIFICATE.

STATE OF CALIFORNIA, }
COUNTY OF SACRAMENTO, } ss.
CITY OF SACRAMENTO. }

Form of individual certificate.

I, the undersigned, do solemnly swear or affirm that I am a qualified elector of the city of Sacramento, and I hereby nominate , who resides at No., street in the said city, as a

candidate for the office of city commissioner, to be voted for at the municipal election to be held on the day of A. D. 19....; that I am not at this time the signer of the nomination petition of any other candidate for the same office or, in case there are two or more city commissioners to be elected at said election, that I have not signed more petitions than there are city commissioners to be elected at said election; that my residence is at No., street of the said city of Sacramento; and that my occupation is

(Signature).....

Subscribed and sworn to before me this day of, 19....

.....
Verification Deputy (or Notary Public).

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to..... at No., street, Sacramento, Cal.

Forms to be supplied by the city clerk.

(3) It shall be the duty of the city clerk to furnish to any candidate filing the declaration provided for in subdivision one hereof, at any time within sixty days before the general municipal election, upon application, a reasonable number of forms of individual certificates of the above character.

Forms
supplied by
city clerk.

Requirements of certificate.

(4) Each certificate must be a separate paper. All certificates must be of uniform size, as determined by the city clerk. Each certificate must contain the name of one signer thereto, and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing a certificate have signed any other certificate for any other candidate for the same office, unless his signature for such other certificate shall have been revoked, as provided in subdivision eight of this section, nor, in case there are two or more city commissioners to be elected at such election, have signed more certificates than there are city commissioners to be elected. In case an elector has signed two or more conflicting certificates, all such certificates, except the first one presented, shall be rejected. Each signer must subscribe and verify his certificate before a notary public or a verification deputy, as provided in this article. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition be found insufficient.

Requirements
of certificate
of nomi-
nation.

Verification deputies.

Oath of verification deputy.

(5) Each candidate may designate one or more special verification deputies who shall qualify by filing with the city clerk an oath or affirmation in substance as follows:

STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO, } ss.
CITY OF SACRAMENTO. }

I,, depose and say: That I am a qualified elector of the city of Sacramento, county of Sacramento, State of California; that I have been designated as a special verification deputy by, who is a candidate for the office of city commissioner of the city of Sacramento; that I can read and write the English language; and that in obtaining signatures to the nomination papers of the said candidate I will faithfully observe all provisions of the charter of the city of Sacramento and all laws of the State of California that are applicable to the preparation, signing and filing of such nomination papers; that I reside at No., street, of the said city of Sacramento; and that my occupation is

(Signature)

Subscribed and sworn to before me this day of, 19....

[SEAL]

City Clerk.

Time of appointment of verification deputy; duties and powers.

The city clerk shall keep a record in which he shall enter the names of all such verification deputies as designated by each candidate. No verification deputy shall be designated or appointed more than sixty days prior to such election. Every verification deputy shall, at the time of filing the petition or petitions circulated by him, make and file with the city clerk an affidavit stating the total number of individual certificates in behalf of any candidate verified before him as such verification deputy, and shall file all such certificates with the city clerk. Such verification deputies shall have power to take the oath or affirmation of the signers of such individual certificates of nomination, not exceeding in all three hundred (300) for any one candidate, but shall have no power to take oaths or affirmations for any other purpose whatsoever. Verification deputies need not use a seal.

Date of presenting petition.

Date of presenting petition.

(6) Such petitions of nomination shall be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The said clerk shall endorse upon each petition the day, hour and minute upon which it was presented to him.

Examination of petitions by city clerk.

Examination of petition of nomination.

(7) When a petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If

found to conform thereto, he shall file the same forthwith; but if found not to conform thereto, he shall then and there, in writing, endorse on said petition the defect, or omission, or reason why such petition can not be filed, and shall return the petition to the person therein designated. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as heretofore provided. If necessary, the city commission shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of signature.

(8) Any signer to a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature, before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal
of signer.

Withdrawal of candidate.

(9) Any person whose name has been presented under this article as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Withdrawal
of candidate.

Filing of petitions.

(10) No original petition filed by reason of withdrawal of a candidate, nor amended petition of nomination, shall be filed within less than twenty days before the date of the election. No petition of nomination shall be withdrawn or added to, and no signature shall be revoked, after said petition is filed.

Time limit
on filing
petitions.

Preservation of petition.

(11) The city clerk shall preserve in his office for a period of two years all petitions of nomination, and all certificates and affidavits belonging thereto, filed under this article.

Petitions to
be preserved.

Election proclamation.

(12) The city clerk shall, not later than twenty days prior to the date of the election, certify to the city commission a list showing the names, alphabetically arranged, of all candidates nominated for a full term, and a similar list of the names of all candidates nominated for an unexpired term, if any, as required by the provisions of this charter. The city commission shall cause said list to be published in the proclamation calling the election, in at least five successive issues of the official newspaper of the city immediately preceding the date of the election. Such publication shall clearly state the names of all persons who are candidates for a full term, and shall clearly state the names of all persons who are candidates for

Publication
of names
with the
election
proclamation.

an unexpired term, if any. No political or party designation of any kind shall be published in any such proclamation in connection with the name of any candidate.

Form of ballots.

Arrangement
and form
of ballots.

(13) The city clerk shall cause the ballots to be printed, bound and numbered as provided for by general laws, except as otherwise required in the charter. The ballot shall contain the names of all candidates, alphabetically arranged, and shall clearly distinguish between those who are candidates for a full term and those who are candidates for an unexpired term, if any. The ballots shall be substantially in the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION
CITY OF SACRAMENTO
(Inserting date thereof.)

Instructions
to voters.

Instructions to Voters (to be printed in type not less than ten point): To vote, stamp a cross (X) in the square at the right of the name of the candidate for whom you desire to vote; to vote for a person whose name is not printed on the ballot, write the name of such person under the title of the office in the blank space provided therefor, but do not stamp a cross (X) after the name so written. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of ballot.

Size of
ballot, and
style of
printing.

(14) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another, and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at such election. Nothing shall be placed on the ballot to indicate the source of the candidacy or of the support of any candidate.

Every nominee to be on ballot.

No name to
be omitted.

(15) The name of a candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall not be omitted from the ballot.

Space for voting cross.

Voting
square.

(16) A half-inch square shall be provided at the right of the name of each candidate wherein to stamp the cross.

Blank space for additional candidates.

Space for
writing in
name.

(17) Half-inch spaces shall be left below the printed names of the candidates equal in number to the number of commissioners to be elected, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample ballots.

(18) The city clerk shall cause to be printed sample ballots identical with the ballots to be used at the election, except as to quality and color of paper, and shall mail a copy of the same to each registered voter at least five days before said election.

Sample ballots.

Votes necessary for election.

(19) In case there is but one person to be elected to an office, the candidate receiving a majority of all votes cast for all candidates for said office shall be declared elected. In case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive successively the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the total number of ballots cast at such election for all candidates for said office.

Number of votes necessary to elect.

Second election.

(20) If at any election held as above provided, there be any office to which the required number of persons were not elected, then, as to such office, the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to said office, or less if so there be, who successively received the highest number of votes for that office at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for said office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive successively the highest number of votes at such second election shall be declared elected to such office.

Second election.

Date of second election.

(21) The said second election, if necessary to be held, shall be held on the second Saturday after the declaration of the official canvass of the returns of said general municipal election.

Date of second election.

Rules governing second election.

(22) All the provisions and conditions above prescribed for the conduct of a first election, so far as they may be applicable, shall govern the second election, except that notice of election need be published for two successive days only, immediately preceding said second election; *and provided, also*, that the same precincts and polling places shall, if possible, be used.

Rules governing second election.

*Failure of person elected to qualify.*Failure
to qualify.

(23) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office.

*Informalities in election.*Informalities
in election.

(24) No informalities in conducting a municipal election shall invalidate the same, if such election has been conducted fairly and in substantial conformity with the requirements of this charter.

*General election regulations.*General
laws to
govern.

SEC. 262. (1) The provisions of the general election laws relating to the qualifications of electors, the manner of voting, the duties of the election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall (except as herein otherwise provided) govern all municipal elections; *provided*, that the city commission shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

*Voting machines.*Voting
machines.

(2) In case voting machines shall be used at municipal elections, the city commission shall have power, by ordinance, to modify the provisions of section 261, so far as may be necessary to adapt them to the use of voting machines.

*Polls open and close.*Hours of
voting.

(3) At all elections held under the provisions of this charter, the polls shall open at six o'clock A. M. and close at six o'clock P. M.

Precincts.

Precincts.

(4) It shall be the duty of the city commission to fix the boundaries of all municipal election precincts.

*Election officers.*Election
officers.

(5) The election officers in each polling precinct at all elections held under the provisions of this charter shall be appointed pursuant to the provisions of article XV herein and shall be four in number, namely, one inspector, one judge, one ballot clerk, and one tally clerk; *provided, however*, that during the counting of the votes the ballot clerk shall also act as tally clerk.

*Duties of county clerk.*Great
regi-ster
to be
furnished
by county.

SEC. 263. It shall be the duty of the board of supervisors of the county of Sacramento, when indices of the great register are being printed, to provide for the printing of a sufficient number thereof, in addition to the number otherwise required by law, for the general and special municipal elections to be held or likely to be held in the city of Sacramento; and it shall be the duty of the county clerk of said county to furnish such indices and affidavits of registration as may be

required by the city commission. The county clerk, when so required, for the purposes of a general or special municipal election, shall furnish to the city commission a supplemental list of all voters who have registered since the time of printing the last index of the great register, and shall, at the time of any general or special municipal election, keep the office of the registrar of voters open during the progress of such election.

Supplement
to great
register.

ARTICLE XXV.

THE INITIATIVE.

Direct legislation.

SECTION 264. Any proposed ordinance may be submitted to the city commission by a petition signed by the registered electors of the city equal in number to the percentage hereinafter required.

Ordinance
proposed by
electors.

Form and verification of petition.

(1) A copy of such proposed ordinance shall be attached to the petition, and the petition shall have endorsed upon it the name and address of the person to whom the same shall be returned if found insufficient, as hereinafter provided. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature the date thereof and his place of residence, giving street and number. One of the signers of each such paper shall make an oath before an officer competent to administer oaths that the statements therein made are true; that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed; and that each of such signatures was appended to such petition within ninety days prior to the presentation of the petition to the city clerk. Upon receipt of such petition, the clerk shall proceed to examine into the sufficiency of the same in the manner prescribed by the provisions of article XXIV of this charter. If found insufficient, the petition shall be returned to the person whose name is thereon endorsed, for amendment or correction, as in said article provided.

Petition
submitting
ordinance
to city
commission.

Fifteen per cent petition.

(2) If the petition accompanying the proposed ordinance be signed by registered electors equal in number to at least fifteen per centum of the total number of electors registered at the time of the last preceding general municipal or second general municipal election at which a commissioner was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the city commission shall either:

Petition
of fifteen
per cent.

(a) Pass said ordinance, without alteration, within twenty days after attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of article XXVI of this charter): or.

Action
of city
commission
on fifteen
per cent
petition.

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the city commission shall, except as provided in subdivision seven of this section, proceed to call a special election, to be held within forty days from date of such call, at which said ordinance, without alteration, shall be submitted to a vote of the people. No ordinance proposed under the provisions of this subdivision shall be submitted at any but a special election called in accordance with the provisions hereof.

Five per cent petition.

Petition
of five
per cent.

(3) If the petition be signed by electors equal in number to at least five per centum of the total number of electors registered at the last preceding general municipal or second general municipal election at which a commissioner was elected, and contain a request that said proposed ordinance be submitted to a vote of the people at the next general election, and said ordinance be not passed by the city commission, as provided in subdivision 2a, then such ordinance, without alteration, shall be submitted by the city commission to a vote of the people at the next annual municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance. No ordinance proposed under the provisions of this subdivision shall be submitted to a vote of the people at any but a general municipal election.

Action
of city
commission.

Publication of popular ordinance.

Publication
of ordinance
before
submission
to voters.

(4) Whenever any ordinance or proposition is required by the provisions of this charter to be submitted to the voters of the city at any election, the city commissioners must order one publication of the complete text thereof to be made in the official newspaper of the city, such publication to be made not less than ten days nor more than fifteen days prior to such election; or, the city commission may, in lieu of such publication, cause the ordinance or proposition to be printed, and thereupon it shall be the duty of the city clerk to enclose a printed copy thereof in an envelope, with a sample ballot, and mail the same to each voter, at least five days prior to such election. The city commission may also, in its discretion, include with such publication, or such printed copy, a statement, not exceeding five hundred words, setting forth concisely the reasons of the city commission for refusing to pass or adopt such ordinance or proposition. In the event that the city commission elects to publish such statement or to send copies thereof to the voters, as herein provided, the proponents of such ordinance or proposition shall also have the right to have included in such publication or such mailing, as the case may be, a similar statement of their reasons for urging the passage or adoption of such ordinance or proposition: *provided*, they shall first deposit with the city clerk the cost of such publication, or furnish to the city clerk, at their own expense, printed copies

Statements
to accompany
publication
of ordinance.

of such statement exceeding in number by five per centum the number of registered electors of the city at such time. The city commission shall, at least three days preceding the publication or mailing of such proposed ordinance or proposition, by a resolution spread upon its minutes, indicate its intent to include a statement with, or to omit a statement from, such mailing or such publication. The form and size of paper, and the style and size of type to be used in printing the statements herein provided for, shall be prescribed by the city commission by ordinance.

Election.

(5) The ballots used when voting upon such proposed ordinance shall set forth the title thereof in full and state its general nature, and shall contain the words "For the Ordinance" and "Against the Ordinance." If a majority of the qualified electors voting on such proposed ordinance shall vote in favor thereof, such ordinance shall take effect five days after the declaration of the official canvass of the returns of such election.

Election, and result thereof.

Several ordinances at one election.

(6) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article, subject to the limitations imposed in subdivisions two, three and seven of this section.

No limit on number of ordinances.

Limit of special elections.

(7) There shall not be held under the provisions of this article more than one special election in any period of six months. In the event that any petition or petitions calling for a special election be presented to the city commission within six months following any special election, it shall be the duty of the city commission to defer such election until the expiration of said period; the provisions of subdivision (2b) of this section to the contrary notwithstanding.

Limitation on number of special elections.

Repeal of popular ordinance.

Sec. 265. The city commission may submit a proposition for the repeal of any popular ordinance, or for amendments thereto, to be voted upon at any succeeding regular annual municipal election, and should such proposition, so submitted, receive a majority of the votes cast thereon at any election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, shall not be repealed or amended except by a vote of the people, unless such ordinance shall otherwise expressly provide.

Repeal or amendment of popular ordinance.

Conflicting measures.

Sec. 266. In the event that two or more ordinances or propositions adopted at the same election shall contain conflicting provisions, the ordinance or proposition receiving the highest number of votes at such election shall be paramount,

Conflicting measures, which paramount.

and all questions of construction shall be determined accordingly.

Order upon the ballot.

Commission can not avoid submission of ordinance.

SEC. 267. The city commission shall have no power to postpone or avoid the submission of any proposed ordinance to a vote of the people, except as in subdivision seven of section 264 hercof provided. In the event that two or more such ordinances are submitted at the same special election, they shall be placed upon the ballot in the order of the priority of filing the respective petitions therefor, and shall be given precedence upon the ballot over any and all questions submitted by the city commission of its own initiative. All such proposed ordinances submitted at any general election shall likewise be placed upon the ballot in the order of priority of filing of the respective petitions therefor, and shall likewise precede upon the ballot all questions submitted by the city commission of its own initiative at such general election. The provisions of this article are mandatory and prohibitory.

Order of placing on ballot.

Charter amendments.

Charter amendments.

SEC. 268. The provisions of this article shall apply to the proposal, submission and adoption of charter amendments, subject to the provisions of section eight of article XI of the constitution of this state.

Further regulations.

Further regulations.

SEC. 269. The city commission must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of article XXIV thereto.

ARTICLE XXVI.

THE REFERENDUM.

Mode of protesting against ordinances.

These ordinances shall take effect.

SECTION 270. No ordinance passed by the city commission shall go into effect before thirty days from the time of its passage except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety which contains a statement of its urgency and is passed by a four-fifths vote of the city commission; *provided*, that no grant of any franchise shall be construed to be an emergency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by registered electors of the city equal in number to ten per centum of the total number of electors registered at the time of the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the city commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the city commission to reconsider such ordinance, and if the same be not entirely repealed, the city commission

Petition for reference to people of ordinance passed by city commission.

shall submit the ordinance, as is provided in article XXIV of this charter, to the vote of the electors of the city, either at the next general municipal election, or at a special election, to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

SEC. 271. Any ordinance or measure that the city commission or the qualified electors of the city shall have authority to enact, the city commission may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as provided in this charter for ordinances or measures submitted on petition.

Reference to people without petition.

SEC. 272. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may be legally submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Various questions may be submitted.

SEC. 273. The provisions of section 261 of article XXIV, respecting the forms and conditions of the petition and the mode of verification, certification, amendment and filing shall be substantially followed, with such modifications as the nature of the case requires. A substantial compliance with the provisions of this charter shall be sufficient for the holding of an election hereunder and for the approval or rejection of any measure submitted thereat.

Provisions governing referendum election.

SEC. 274. The city commission must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of section 261 of article XXIV thereto.

Further regulations.

ARTICLE XXVII.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SECTION 275. (1) Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, shall be subject to removal from office by recall, but no affidavit of intention to circulate a petition for the recall of any incumbent, as hereinafter provided, shall be filed until such incumbent has actually held office under said election or appointment for at least six months. The procedure to effect such removal from office shall be as follows:

Removal of elective officer.

Procedure.

Petition for recall.

(2) A petition signed by qualified electors equal to ten (10) per centum of the total number of electors registered at the last municipal election at which a commissioner was elected, requesting the calling of an election to determine whether or

Petition for recall.

not the said incumbent of an elective office sought to be removed from office shall be removed from office by recall, shall be addressed to the commission and presented to the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Form of petition.

Form of
petition.

(3) The petition for recall and removal from office shall be substantially as follows:

(Individual Certificate.)

PETITION TO THE CITY COMMISSION
REQUIRING A SPECIAL MUNICIPAL ELECTION

(If such be the case.)

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

For the recall of (name of officer)

From the office of (name of office)

REASONS FOR THE RE-
CALL OF (name of officer)
FROM OFFICE. (Here in-
sert such reasons.)

REASONS AGAINST THE
RECALL OF (name of officer)
FROM OFFICE. (Here in-
sert such reasons.)

STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO, }
CITY OF SACRAMENTO. } ss.

Individual
certificate.

I, the undersigned, certify that I hereby join in a petition to the city commission requiring that it forthwith submit, as provided in the charter of the city of Sacramento, to the vote of the electors of said city, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled from the office of (name of office).

Petition
for recall
of elective
officer.

I further certify that I have read the above reasons for and against the recall of said officer and believe that he should be recalled; that I am a qualified elector of the city of Sacramento, State of California; that I am not at this time a signer of any other like certificate; that I reside at No., street, in said city, and that my occupation is

(Signed)

., being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this day of, 19.

.
Verification deputy (or notary public).

The petition of which this certificate forms a part, shall, if found insufficient, be returned to at No., street, Sacramento, California.

Filing and examination of petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a verification deputy as to the truth and correctness of the statements made in such certificate. These certificates shall be fastened together, as provided herein for petitions of nominations, except that they shall be bound as near as may be in lots of two hundred and fifty (250) certificates. Immediately upon the receipt of such petition, the city clerk shall endorse thereon the time at which said petition was received by him. The city clerk shall thereupon immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this charter. Within ten days after such presentation he must finally determine whether or not it so conforms, and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send by registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this charter, such certificate of the city clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect therein. If by said certificate of the city clerk the petition is shown to be insufficient, it may be amended by the presentation within fifteen days after the date of mailing of said certificate by the city clerk, of an additional recall petition containing additional recall certificates. The city clerk shall within seven days after the presentation of such additional recall petition make like examination and determination of the amended petition and attach to it a like certificate and mail a copy as aforesaid, and if his certificate shall show the amended petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, and all proceedings and petitions under said affidavit of intention to circulate a petition for the recall of any incumbent, as provided in this section, shall be null and void. If the city clerk shall find the said petition or amended petition to conform to the requirements of this charter, he shall endorse his finding upon the said petition or amended petition and immediately file and present the same to the city commission.

Requirements
for petition.Examination
by city clerk.Amended
petition
for recall
of elective
officer.Filing
with city
commission.*Withdrawal of signature.*

(5) Any signer of a petition for the recall may file with the city clerk a verified revocation of his signature to such petition. In case said revocation is filed with the city clerk before the said petition is filed by him, he shall cancel the said signer's signature on said petition.

Withdrawal
of signature.

Statement of intention to circulate petition.

Affidavit of
intention to
circulate
petition for
recall.

(6) Before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the city clerk, who shall at once deliver one of the said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: a statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall; and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition. No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the city clerk later than forty (40) days after the filing of such affidavit.

Election under recall petition.

Election
for purpose
of recall.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the city clerk, and if the petition requests a special election, the city commission shall after due notice cause a special election to be held within not less than fifty (50) nor more than sixty (60) days after the filing of said petition, to determine whether the electors will recall said officer, or, if a general or special municipal election is to occur within sixty (60) days after the filing of said petition, the city commission may in its discretion postpone the holding of such election to such general municipal election.

Penalty for non-performance—Life of petition.

Non-
performance
of duty in
connection
with recall:
life of
petition.

(8) If the city clerk or any member of the city commission shall wilfully fail or neglect to do or perform any act or duty, in this article prescribed or directed to be by him or any of them done or performed, then and in that event the said city clerk or such member of the city commission shall not draw or receive any salary during his further continuance in office and the auditor shall not audit or allow any claim therefor. If any question of recall, for which a petition has been filed, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of recall—Officer's justification.

Statements
on ballot.

(9) Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a state-

ment of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Voting—Canvass of returns.

(10) At such recall election, the ballots shall read:

“Shall (naming the officer) be recalled? Yes.”

“Shall (naming the officer) be recalled? No.”

Question
on ballot.

If a majority of the electors voting on the recall of the officer sought to be removed, shall vote in favor of such recall, said officer shall thereupon be deemed removed from office and his incumbency thereof shall terminate upon the declaration of the result of said election by the canvassing board thereof. In the published call for said election the clerk shall name three disinterested electors who shall act as a canvassing board to canvass the returns of said election and to declare the result thereof in the same manner and with the same force and effect as otherwise herein provided for the canvassing boards of general municipal elections.

Removal by
majority

Canvassing
board.

Appointment of successor.

(11) The city commission shall appoint a successor to the officer removed, who shall hold until the next general municipal election, at which time a successor to the officer removed shall be elected by the people in the manner provided for in this charter.

Successor
to officer
removed.

Removal of a majority of the city commission.

(12) In the event that a majority of the city commissioners shall be simultaneously recalled, the city clerk shall appoint successors of the commissioners who have been recalled, to serve until other commissioners have been elected, as herein-after provided. Within three days after the canvass of the vote of the election at which such commissioners are removed, the clerk shall issue a call for an election for the purpose of electing the successors of the officers so removed. Said election shall be held upon notice of not less than twenty and not more than twenty-five days, and said election shall be held within thirty days from the date of the canvass of the vote of the recall election. Nominations shall be made in the manner provided in section 261 relating to the nomination of city commissioners, except that petitions for nominations shall be filed in the office of the city clerk at least ten days prior to the date of the holding of said election, and shall contain the requisite number of signatures when filed, without power of amendment. The clerk shall forthwith determine the sufficiency as to the number and genuineness of signatures of the petition. If the same be insufficient in these particulars, it shall be rejected, and if sufficient, the name of the person nominated therein shall be placed upon the official ballot as a candidate for the office for which he was nominated.

Provision
if majority
of city
commission
to be removed
by recall.

(13) The provisions of article XXIV shall, except as herein-above modified, apply to and govern all such elections.

Disqualification of recalled officer.

Disqualifying effect of recall.

(14) No person recalled under the provisions of this section shall be eligible for election or appointment to any office in the city for a period of one year from and after the date of his recall.

New officer—When to qualify.

Time successor shall take office.

(15) Every person elected to fill a vacancy caused by the recall of an elective officer, as in this section provided, shall within four days from the declaration of the result of the election at which he was elected, qualify and assume the powers and duties of the office to which he was elected.

Percentage of subsequent recall.

Percentage to initiate subsequent recall.

(16) If, at a recall election, a majority shall vote against recalling the officer sought to be removed, it shall require a petition signed by qualified electors equal to twenty per cent of the total registered vote at the last municipal election at which a commissioner was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

Further regulations.

Further regulations.

(17) The city commission shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of article XXIV thereto.

ARTICLE XXVIII.

OFFICIAL GAZETTE.

Official gazette to be published.

Contents.

SECTION 276. The city commission shall cause the city clerk to print and issue each week a publication entitled the official gazette of the city of Sacramento, in which shall be published a summary of its proceedings during the week. Within ten days after the end of each calendar month there shall be printed in the official gazette a detailed statement of all receipts and disbursements during such preceding month, showing to whom payments were made and for what purpose, which statement shall be classified under the various subdivisions of the city government, and shall show the expense of each subdivision for the month, the total expense of each subdivision for the fiscal year to date, and the amount of the annual budget allowed for each subdivision. All official and city matters which the city commission may direct or require to be published, shall be published only in the official gazette, unless other publication is required by this charter or the laws of the State of California. Nothing shall be published in the official gazette except such matters as pertain strictly and wholly to the city's business. No political matter, nor anything which advertises or calls special attention to any officer, employé or department of the city shall ever be published in the official gazette. Copies of the official gazette shall be furnished to the State Library of California, the City Library of

Sacramento, the newspapers of Sacramento, to all persons who apply therefor at the office of the clerk, and to such other persons as the city commission may provide.

ARTICLE XXIX.

MISCELLANEOUS.

Office hours.

SECTION 277. Unless otherwise provided by law or in this charter, all public offices shall be open for business every day (except legal holidays) from half-past eight o'clock A. M. until five o'clock P. M., and in addition thereto, for two weeks before taxes become delinquent, the office of the city collector shall be open until nine o'clock P. M., and when any municipal election is held on Saturday, the office of the city clerk shall be kept open until the returns have been received from the polling precincts.

Office hours for public offices.

Hours of labor.

SEC. 278. Except in time of emergency, the maximum hours of labor or services to be rendered by any city employé, or any workman, laborer or mechanic engaged upon municipal work by a contractor or a sub-contractor, shall be eight hours in a calendar day, unless otherwise provided by this charter.

Hours of labor.

No assignment of outside work.

SEC. 279. No officer or employé of the city of Sacramento shall detail, or cause any officer or employé of said city to do or perform any service or work outside of his public service, work or employment, and any violation of this section shall constitute a misdemeanor punishable by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than six months.

Assignment to outside work prohibited.

Payment of debts.

SEC. 280. Failure of any employé to pay promptly any legal indebtedness contracted by him for the necessaries of life while in the service of the city shall be sufficient ground for his removal from such employment.

Failure to pay debts.

Assignment of wages.

SEC. 281. Every assignment of wages not yet earned, made by any officer or employé of the city, shall be absolutely void, and the execution of such assignment on the part of any officer or employé shall be sufficient ground for his removal from the employment of the city. The city commission may, however, when in its judgment the circumstances warrant such action, authorize the immediate payment of not more than ninety per cent of the wages then earned by any officer or employé petitioning for such payment.

Assignment of wages prohibited; immediate payments.

Municipal employment office.

SEC. 282. The city shall provide and maintain a free employment office to assist worthy persons in securing employ-

Municipal
employment
office.

ment. No fees or compensation of any kind shall be paid by or required from any person seeking or securing employment through said office. The said employment office shall be under the immediate direction and control of the municipal employment agent, to be appointed by the commissioner of education. He shall perform such duties as the city commission may prescribe.

Bureau of economy and efficiency.

Bureau of
economy and
efficiency.

SEC. 283. The city commission shall have power to create a bureau of municipal economy and efficiency. This bureau shall have power, and it shall be its duty to investigate both the social and economic conditions and the financial and business management of the city, with a view to promote the welfare of its inhabitants, and the economy and efficiency of its administration.

Public records and copies.

Public
records,
and copies
thereof.

SEC. 284. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from such books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, upon receiving payment therefor at such rate for copying and certification as the city commission may prescribe.

First election of officers.

Trustees
to conduct
first election.

SEC. 285. The board of trustees of the city of Sacramento, then in office, shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the result.

When charter takes effect.

Way
charter shall
take effect.

SEC. 286. For the sole purpose of the 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 provisions of article XXIV hereof. For all other purposes, this charter shall take effect on the first day of July next following the approval of said charter by the legislature.

CERTIFICATE.

Certificate
of board of
freholders.

WHEREAS, The city of Sacramento, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the twenty-seventh day of June, nineteen hundred and eleven, 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, did elect F. F. Ashworth, Charles A. Bliss, W. A. Briggs, Albert Elkus, Frederick B. Fancher, James L. Gillis, William F. Gormley, James M. Henderson, Jr., Thomas James, Henry S. Kirk, D. A. Lindley, William Pook, A. J. Shinn, Robert A. Waring and E. M. Wilder a board of fifteen freholders to prepare and propose a charter for said city;

BE IT KNOWN, That in pursuance of said provision of the constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Sacramento.

Certificate
of board of
freeholders.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this twenty-fifth day of September, one thousand nine hundred and eleven.

ALBERT ELKUS, President.
EDWARD F. ASHWORTH.
W. A. BRIGGS.
FREDERICK B. FANCHER.
JAMES L. GILLIS.
W. F. GORMLEY.
J. M. HENDERSON, JR.
THOMAS JAMES.
HENRY S. KIRK.
D. A. LINDLEY.
WILLIAM POOK.
A. L. SHINN.
ROBERT A. WARING.
E. M. WILDER.
CHAS. A. BLISS, Secretary.

Attest: R. T. MCKISICK, Assistant Secretary.

CITY OF SACRAMENTO,
COUNTY OF SACRAMENTO, }
STATE OF CALIFORNIA. } ss.

I, M. R. Beard, mayor of the city of Sacramento, and I. M. J. Desmond, city clerk of the city of Sacramento, in the county of Sacramento, State of California, and ex officio clerk of the board of trustees of said city, do hereby certify that said city of Sacramento is and at all the times herein mentioned was a city containing a population of more than ten thousand and less than one hundred thousand inhabitants;

Certificate of
mayor and
city clerk.

That the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 27th day of June, 1911, at a special election held in said city of Sacramento on said date for that purpose, and under and in accordance with the provisions of section 8, article XI of the constitution of the State of California, duly elected as such board by the qualified electors of said city of Sacramento, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector in said city for more than five years previous to said election and were freeholders therein;

That the foregoing is a true copy of said charter so prepared and proposed as the charter for said city, and the same was signed in duplicate by the members of such board of freeholders, and returned, one copy thereof to the mayor of said city, and the other copy thereof to the recorder of the county of Sacramento, within ninety days after the date of said election;

Certificate of
mayor and
city clerk.

That said proposed charter was thereafter published in the *Sacramento Star* and in the *Sacramento Union*, each of which was then a daily newspaper of general circulation in said city, and printed and published therein, and that said publication was made in each of said papers for at least twenty days, and that the first publication of said proposed charter in each of said papers was so made within twenty days after the completion of said charter; that within thirty days after such publication of said charter, to wit, on the 7th day of November, 1911, said charter was submitted to the qualified electors of said city at a general election held in said city; that at said election said proposed charter was duly ratified by a majority of the votes of the said qualified electors voting thereon; that the returns of said election were duly canvassed by the board of trustees of the city of Sacramento on the 13th day of November, 1911, and the result thereof declared as above set forth; and that in all matters and things pertaining to the said proposed charter and the ratification thereof, all provisions of the constitution of California and all the laws thereof pertaining to the adoption of said charter have been fully complied with in every particular.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of said city of Sacramento this 25th day of November, 1911.

M. R. BEARD,
Mayor of the City of Sacramento.

M. J. DESMOND,
[SEAL.] City Clerk and ex officio Clerk of the Board
of Trustees of the City of Sacramento.

AND WHEREAS, Said proposed charter so ratified has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power to alter or amend, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring, (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein,) That said charter of the city of Sacramento, as said charter was 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 Sacramento.

Approval
by the
legislature.

CHAPTER 7.

Assembly Joint Resolution No. 3—Relative to a bill before congress, known as the "Suloway Bill," for the relief of the veterans of the civil war.

[Filed with Secretary of State December 20, 1911.]

WHEREAS, There is now pending in the congress of the United States a bill for the relief of the "civil war veterans" known as the "Suloway Bill"; therefore, be it

Relief of veterans of the civil war.

Resolved by the senate and assembly of the State of California, jointly, That our senators in congress be and they are hereby instructed and our representatives requested to support by their vote and voice said Suloway bill; be it further

Resolved, That a copy of this resolution be transmitted by the chief clerk of the assembly to each of our senators and representatives in congress.

CHAPTER 8.

Senate Joint Resolution No. 8—Relative to extending an invitation to the congress of the United States relative to the inspection of the rivers and harbors of California.

[Filed with Secretary of State December 22, 1911.]

WHEREAS, The increasing growth of the commerce of California, and the early completion of the Panama canal necessitates additional improvements in the rivers and harbors of the state in aid of commerce and navigation, which improvements will result in great benefits not only to the State of California, but to the entire United States; and

Necessity for additional improvements in rivers and harbors of California.

WHEREAS, The State of California has in the past coöperated and is now ready to coöperate with the government of the United States in preparing for present and future necessities of commerce in said harbors and navigable waterways; and

WHEREAS, The State of California and many of its municipalities are making extensive improvements and preparation for improvements of the navigable water ways and harbors of the state; and

WHEREAS, To further such improvements and to encourage such coöperation between the State of California and its municipalities on the one part, and the United States on the other, is most desirable; and

WHEREAS, An inspection of said rivers and harbors by the committee on commerce of the senate of the United States and the committee on rivers and harbors of the house of representatives would tend to greater efficiency and better results in the

direction of contemplated improvements to be made to meet the present and future demands of commerce; therefore, be it

Invitation to
the congress
to make
inspection.

Resolved by the senate and assembly of California, jointly, That the legislature of the State of California convened in extraordinary session does hereby invite the congress of the United States to cause said committees of the respective houses thereof to make an inspection of the rivers and harbors of the State of California for the purposes aforesaid, and favorable action on this invitation is respectfully urged; be it further

Resolved, That our senators and representatives in congress be requested to extend this invitation to the congress of the United States in behalf of the people of the State of California, and to use their utmost endeavors to secure favorable action thereon; and be it further

Resolved, That a certified copy of these resolutions be transmitted by the secretary of the senate to the senate and house of representatives of the United States and to each of our senators and representatives in congress.

CHAPTER 9.

Senate Joint Resolution No. 9—Relative to the continuance by the United States of the government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to Pacific seaports, on the western coast of the United States, on the completion of the Panama canal.

[Filed with Secretary of State December 22, 1911.]

Government
line of
steamers
operating
on Atlantic
coast.

WHEREAS, There is maintained and operated by the United States from eastern seaports of our country to Colon, in the "canal zone," a government line of steamers for the transportation of freight consisting of supplies for use in the construction of the Panama canal, and of certain merchandise for the Pacific coast states; the latter transhipped from Avon on the western end of the government railways across the Isthmus of Panama, to steamers operated by private corporations, plying between Avon and Pacific coast ports;

Necessity
for extension
to Pacific
coast on
completion
of Panama
canal.

WHEREAS, On the completion of said canal, public interests and the necessities of those interested in western commerce, demand that the government owned vessels now in the service on the Atlantic side, be not only continued in operation as now, but extended to Pacific seaports, on the western coast of the United States;

WHEREAS, The failure to so continue and extend such government service would reopen the struggle between the producers and shippers of California and sister states, on the one side, and the steamship companies acting in concert with the transcontinental railways on the other; and thus, to a great extent, restore the unfavorable conditions, that will, in the future, and

as they were, in the past, be manipulated and controlled by transcontinental railways and their allies;

WHEREAS, The experience of our producers and shippers in the past, should warn those in authority and the people, to avoid a similar danger in the future; particularly when its repetition will greatly impair the benefits that should accrue to them and to the country at large, by the construction and operation of such canal under the auspices of the government of the United States; therefore be it

Resolved by the senate and assembly of the State of California, jointly, That the legislature of the State of California, respectfully urge the congress of the United States, to enact such legislation as will continue after the completion of the Panama canal, such government line of steamers, and extend their service, with such additional steamers and facilities as may be necessary, to Pacific seaports, on the western coast of the United States; be it further

Action urged by congress to extend such service.

Resolved, That our senators in congress be instructed, and our representatives in congress requested, to use all honorable means to secure the enactment of the aforesaid legislation; be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to the senate and house of representatives of the United States, and to each of our senators and representatives in congress.

CHAPTER 10.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the constitution of the state by amending section 7 of article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

[Filed with Secretary of State December 23, 1911.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its extraordinary session, commencing on the twenty-seventh day of November, nineteen hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section 7 of article IX of the constitution of the State of California be amended so as to read as follows:

Constitutional amendment.

Section 7. The legislature shall provide for the appointment or election of a state board of education, and said board shall provide, compile, or cause to be compiled, and adopt, a uniform series of text-books for use in the day and evening elementary schools throughout the state. The state board may cause such text-books, when adopted, to be printed and published by the superintendent of state printing, at the state

State board of education.

Text-books distributed free of cost to school children.

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

County boards of education.

CHAPTER 11.

Assembly Concurrent Resolution No. 4—Relative to the printing on stationery of state offices, an invitation on behalf of the State of California to participate in the Panama-Pacific International Exposition.

[Filed with Secretary of State December 23, 1911.]

Expositions to be held in California in 1915.

WHEREAS, The Panama-Pacific International Exposition is to be held in the city and county of San Francisco in the year 1915, having received the recognition of the federal government, and being in part financed by the State of California, and the Panama-California Exposition is to be held in the city of San Diego in the year of 1915; and

WHEREAS, The people of the State of California are unitedly interested in the success of such expositions, and are desirous of lending all possible assistance towards that end; and

Invitation printed on stationery of State offices.

WHEREAS, We believe that the State of California should extend invitation to the people of the world to attend the expositions, and that by placing such an invitation upon all stationery of the State of California, and of its various offices and departments, it will reach many thousands of people outside the state, and in addition thereto will assure the people of the world that the State of California extends its well-known hospitality; now, therefore, be it

Design and inscription suggested.

Resolved by the assembly of the State of California, the senate concurring, That the superintendent of state printing be and he is hereby requested and urged to have printed the design and inscription hereinafter suggested, upon any and all stationery, letter heads, and envelopes which he may hereafter print and distribute, until January 1, 1915. The design and inscription above referred to is as follows: The words "California Invites the World" around the outside of a semicircle; inside the semicircle the figures 1915 in larger type.

CHAPTER 12.

Assembly Concurrent Resolution No. 11—Relative to the printing of the statutes of the thirty-ninth extra session for the purpose of distribution.

[Filed with Secretary of State December 23, 1911.]

WHEREAS, The laws passed and to be passed at this thirty-ninth extra session of the legislature are of great importance; and

Laws passed at thirty-ninth extra session.

WHEREAS, The said laws would not appear in statute form until after the fortieth session of the legislature; therefore be it

Resolved by the assembly of the State of California, the senate concurring, That the state printer be instructed to have printed twenty-five hundred (2500) copies of said chaptered laws, suitably bound in leather, as soon after the close of this session as practical; and that the statutes be distributed by the secretary of state according to section 528 of the Political Code.

Instructions for printing and distribution.

CHAPTER 13.

Senate Concurrent Resolution No. 2—Relative to joint rules.

[Filed with Secretary of State December 24, 1911.]

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 legislature of the State of California for this special session of said legislature.

Joint rules of senate and assembly.

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.

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.

Joint rules
of senate and
assembly.

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 it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "Concurred in," and such endorsement 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.

After a bill has been passed by the senate or assembly.

8. 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.

9. 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.

10. 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
of senate and
assembly.

When senate or assembly refuse to concur.

11. 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.

12. 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.

13. If at least four members of said 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, to consist of six members appointed in the same manner as the committee on conference.

The committee on conference and the committee on free conference shall each have power to embody in its report any amendment or amendments which a majority of the committee shall approve and recommend for adoption, and any such proposed amendments shall be attached to the bill. The final report of either of said committees need not be signed by all its members, but any four of said members may submit such report. The report of neither the committee on conference nor the committee on free conference shall be subject to amendment in either house, and unless at least four members of the committee on free conference unite in the submission of a report, no further action shall be taken with respect to the bill then under consideration. No member of the conference committee shall be appointed as a member of the free conference committee.

When conference committee report is in order.

14. 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 serjeant-at-arms.

Joint rules
of senate and
assembly.

15. When a message shall be sent from either house it shall be announced at the door by the serjeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

Secretary, clerk, etc., to carry messages.

16. 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 signatures.

17. 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 officers.

18. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the engrossing and enrolling clerk and engrossing and enrolling committee of the assembly, or of the senate, as the bill may have originated, and shall first receive the 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.

19. When bills are enrolled they shall be reëxamined by the engrossing and enrolling committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

President and speaker to sign bills.

20. After the examination and report, each bill shall be signed in the respective houses, first by the speaker of the assembly, then by the president of the senate.

Enrolling committee to present bills to governor.

21. After a bill shall have been thus signed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first endorsed 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.

22. 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 publi-

cation of such history. A regular form shall be prescribed, and no other form shall be used.

Joint rules
of senate and
assembly.

Secretary and clerk to keep register.

23. The secretary of the senate and clerk of the assembly shall keep a register, in which shall be recorded every action taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and clerk shall endorse bills.

24. The secretary of the senate and clerk of the assembly shall endorse on every original bill a statement of any action taken by the senate and assembly.

Adjournment sine die.

25. An adjournment *sine die* shall be made only by concurrent resolution.

Dispensing with joint rules.

26. No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

CHAPTER 14.

Senate Concurrent Resolution No. 3—Relative to the teaching of patriotism in the public schools of California.

[Filed with Secretary of State December 24, 1911.]

WHEREAS, At a recent meeting of the Sacramento County Teachers' Institute, held in the capital city of California, a statement was made in a public address by an ex-superintendent of the county schools of Santa Barbara county to the effect that Great Britain had not performed one tyrannical act to provoke the Revolutionary War; that the Boston massacre was not the slaughter it was supposed to be; that the Stamp Acts were justified and the Colonists' refusal to pay them actuated solely by a desire to evade a just proportion of their expenses in this country; and that the Boston Tea Party consisted of irresponsible colonists bent on malicious mischief, and, operating under the guise of patriotism, wrongfully and maliciously destroyed the property of others; and

Public
statements
concerning
early history
of the
United
States.

WHEREAS, It would appear this doctrine is taught in some

Doctrine said to be taught in state educational institutions.

of the high schools of this state and is said to be taught at the university of the State of California; and

WHEREAS, Such teachings practically declare that this government was erected upon a foundation of wrong and error; that the Declaration of Independence states those things which are not true, and that that immortal document is therefore a farce, a fraud and a delusion; and that this government "of the people, for the people and by the people," in its elementary construction, was based upon false and fraudulent pretenses; and

WHEREAS, Such teachings of disloyalty, if permitted to take root in this country, would inevitably create a race of citizens lacking in that stern and unyielding patriotism without which no country can long endure; therefore, be it

Denounced as false and disloyal.

Resolved by the senate of the State of California, the assembly concurring, That these utterances are false and untrue; that they are in every sense in manifest contradiction to the true history of the birth of our country, and subversive of the very foundation principles of our government;

Condemnation of improper histories.

Resolved, That it is the sense of the members of this legislature that if there be histories included in the curricula of public institutions of the State of California which put forth such grossly false and disloyal ideas, such histories should be eliminated from the schools of the state in every such institution; and in every place there should be substituted not only truthful narratives of the origin of this government and of the episodes leading thereto; but narratives at the same time tending to sow in the hearts and in the souls of the boys and girls of this state that burning devotion to country which these disloyal histories would minimize, if they do not smother;

Condemnation of disloyal teachers.

Resolved, That it is the sense of the members of this legislature that if there be teachers employed in the school department of California, from the kindergartens to and including the state university, who have taught such false, disloyal and iniquitous doctrines, each and every one of them should be weeded forever out of any position as instructor in the schools of this state;

Governor requested to take action.

Resolved. That his excellency, Honorable Hiram W. Johnson, governor of the State of California, be, and he is hereby, respectfully requested to inaugurate at his earliest convenience an investigation into such matter; and be it further

Resolved, That, if he finds that statements of the character referred to above are contained in the histories used in the public educational institutions in California, he is hereby requested to take such steps as he may deem requisite to proscribe such histories and interdict their use in such institutions; and that, if he finds that any teachers in the public educational institutions of California, from the kindergartens up to and including the state university, are teaching such false and disloyal and iniquitous doctrines—or encouraging such doctrines to be taught—he is also respectfully requested to take such measures as he may deem requisite to weed forever such traitors out of the school system of California.

CHAPTER 15.

Senate Joint Resolution No. 4—Relative to the election of president and vice-president of the United States by a direct popular and nation-wide vote.

[Filed with Secretary of State December 24, 1911.]

WHEREAS, There is a movement for the adoption of an amendment to the constitution of the United States which will provide for the election of president and vice-president of the United States by direct vote of the people; therefore, be it

President
and vice-
president.

Resolved, That the legislature of the State of California favor the adoption of the amendment to the constitution of the United States which will provide for the election of such president and vice-president by a direct vote of the people.

Amendment
favored to
provide for
election by
direct vote.

Resolved, That our senators and representatives in congress be requested to vote for the adoption of a proposed amendment to the constitution that shall provide for such change; be it further

Resolved, That a copy of this resolution be sent to each of our senators and representatives in congress.

CHAPTER 16.

Senate Joint Resolution No. 6—Relative to a canal constructed from the San Joaquin river near Pollasky, in Fresno county, to a point in San Joaquin county near Stockton.

[Filed with Secretary of State December 24, 1911.]

WHEREAS, There is in the San Joaquin valley in California a large tract of irrigable arid land, consisting of more than one million acres, all of which is good, rich, level, arid land, and the same would consume all the flood waters that annually come down from the Sierra Nevada mountains through the San Joaquin and Fresno rivers, and if said waters were conserved and distributed over said lands, the same would yield bountiful crops and would add great wealth to the State of California; and

Arid land in
San Joaquin
valley
subject to
irrigation.

WHEREAS, All of said waters could be conserved and distributed over said lands by means of canals constructed for the distribution of same; and

WHEREAS, If said waters were so conserved and distributed by means of said canals, a large return therefrom by annual rentals for the use of said waters would result in ample returns to the government upon the moneys thus expended, and at the same time would lessen the cost of maintaining the levees and embankments along the lower San Joaquin river, and thereby

Benefits of
conservation
and distribu-
tion of
flood waters.

minimize the danger to and loss of property occasioned by the rise and overflow of said San Joaquin river; and

WHEREAS, Reservoirs and canals of sufficient capacity to conserve and carry all of said waters can be constructed by the federal government, but the cost of which would be too great for private enterprise or state undertaking; therefore, be it

Federal
government
urged to
undertake
enterprise.

Resolved by the senate and assembly, jointly, That our senators in congress be instructed and our representatives be requested to use all honorable means to secure the passage of a law in congress by which the government of the United States will cause a proper survey of such proposed restraining dams and canals to be made, and to thereafter with all reasonable dispatch construct dams and canals and to sell and dispose of upon such terms as may be prescribed by the department in charge thereof, the said waters for use of all the lands susceptible of being irrigated from said storage reservoirs; be it further

Resolved, That a copy of this resolution be forwarded by the secretary of the senate to each of our senators and representatives in congress.

CHAPTER 17.

Senate Joint Resolution No. 7—Relative to establishment of dry docks on the bay of San Francisco or waters tributary thereto.

[Filed with Secretary of State December 24, 1911.]

Facilities
required for
Pacific
naval fleet.

WHEREAS, By virtue of the increasing demands for deeper draught vessels in the United States navy, and in view of the early completion of the Panama canal, certain to be followed by the maintenance on the Pacific coast of a large fleet, it is necessary for the United States to provide dry dock and other facilities that will meet the necessities of the new additions to our navy, when in the western waters of the republic;

Federal
government
requested to
establish
dry dock on
bay of San
Francisco.

Resolved, That the federal government be and is hereby most respectfully and earnestly requested to establish one of the proposed great naval dry docks on the bay of San Francisco or waters tributary thereto; be it further

Resolved, That our senators in congress be instructed, and our representatives in congress requested, to use their utmost efforts in securing the establishment and equipment of such great naval dry docks on the bay of San Francisco or waters tributary thereto; be it further

Resolved, That a duly certified copy of these resolutions be transmitted to the senate and house of representatives of the United States, and to each of our senators and representatives in congress.

CHAPTER 18.

Senate Joint Resolution No. 10—Relating to the Simmons national quarantine act, now before congress.

[Filed with Secretary of State December 24, 1911.]

WHEREAS, The State of California is now expending more than one million dollars annually in combating insect foes, one firm having spent more than twenty-five thousand dollars in a single season in the effort to control a single insect pest; and

Moneys expended for control of insect pests.

WHEREAS, We are confident from our recent experiences that a thorough quarantine during all the past of our horticultural history would have saved to our state a large part of this vast expenditure, as many of the pests now working havoc would not have gained admittance; and

WHEREAS, It is generally conceded that our California quarantine, the best in the country, has saved millions of dollars to other states as well as our own, and so is national in its scope, and should be national in its origin and authority; and

Benefits of California quarantine.

WHEREAS, It is imperative that persons and baggage be searched as well as fruits, plants, or seeds, etc., and this can only be done by consent of the government, authorized by congress; and

Necessity for search of persons and baggage.

WHEREAS, We search persons and their effects when we suspect that they carry smuggled diamonds or other illicit valuables, and our fruit interests are of far more value and importance than are diamonds or other precious stones; and

WHEREAS, Insects carried by plants, especially such insects as the gypsy and brown-tail moths and the dreaded Mediterranean fruit fly, if transported across the country from port of entry, as from New York to California, or San Francisco to New England, are liable to escape in transit and thus may work irreparable damage; and

Escape of insects in transit.

WHEREAS, It is imperative to the success of our agricultural interests that strict quarantine be established and rigidly enforced against any region harboring insect pests; and

Necessity for national authority.

WHEREAS, It is of exceeding importance to our agricultural interests to establish quarantine and to quarantine at such points as Nogales and El Paso, and also to search baggage and even persons, which can only be done by national permission and authority; therefore, be it

Resolved by the senate and assembly, jointly, That we respectfully urge congress of the United States to pass the Simmons quarantine bill now before congress, and to include in such bill a provision making the port of entry and not the point of destination the place of inspection and decision, and also a provision permitting a strict quarantine against any district of the United States or any foreign country where insect pests that threaten the safety and welfare of our agricultural interests are known to exist; and it is further

Congress urged to pass law for inspection and quarantine.

Resolved, That our senators be instructed and our representatives in congress requested to use all honorable means to secure the passage of the Simmons bill, with the two provisions designated above included in the bill; and it is further

Resolved, That a copy of this resolution 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 19.

Senate Joint Resolution No. 12—Relative to arbitration peace treaties now pending before the senate of the United States.

[Filed with Secretary of State December 24. 1911.]

Arbitration
treaties
negotiated
by president.

WHEREAS, The president of the United States has negotiated treaties with the United Kingdom of Great Britain and Ireland and with the republic of France, each having for its object the arbitration of international differences arising between the contracting parties; and

WHEREAS, The horror and futility of war have been demonstrated through ages of cruelty and bloodshed; and

WHEREAS, The advanced nations of the world are moving to abolish this relic of barbarism and escape the heavy burdens of armament; now, therefore, be it

United
States
senate urged
to ratify.

Resolved by the senate and assembly of California, jointly, That the senate of the United States be and it is hereby requested and urged promptly to ratify the said treaties with said high contracting parties, thus signalizing the desire of our people for peace and blazing a pathway to general disarmament and universal arbitration of international differences; and be it further

Resolved, That the secretary of the senate forward a copy of these resolutions to each of our senators and representatives in congress.

CHAPTER 20.

Senate Joint Resolution No. 13—Memorializing the congress of the United States for favorable consideration of the project contained in the report of the California débris commission, relating to "control of floods in the river systems of the Sacramento valley and the adjacent San Joaquin valley, California."

[Filed with Secretary of State December 24, 1911.]

WHEREAS, The secretary of war, on the 29th day of June, 1911, submitted to the house of representatives of the United States, duly approved and recommended for adoption, the report of the California Débris Commission, relating to "control of floods in the river systems of the Sacramento valley and the adjacent San Joaquin valley, California," now known and designated as House Document No. 81, sixty-second congress, first session; and

Approval of report of California Débris Commission by Secretary of War.

WHEREAS, The approval of said report contains the suggestion "that work begin at once, and provision be made for its early completion"; and

WHEREAS, The construction and completion of the project proposed in said report is of vital importance to the people of this state and of the whole country; and

WHEREAS, The legislature of the State of California, in extraordinary session assembled, has by an act of said legislature adopted the project and recommendations set forth in said report of the California Débris Commission, and has in said act provided for coöperation between the State of California and the government of the United States in putting into effect the proposed project and recommendations; therefore, be it

Provision for co-operation between state and federal government.

Resolved by the senate and assembly of the State of California, jointly, That the said legislature memorializes the congress of the United States for favorable consideration of the report of said California Débris Commission transmitted as aforesaid by the secretary of war to congress; be it further

Congress urged to take favorable action.

Resolved, That duly authenticated copies of these resolutions be transmitted to the senate and house of representatives of the United States, the secretary of war, and to each of our senators and representatives in congress; be it further

Resolved, That our senators in congress be instructed, and our representatives in congress requested, to use all honorable means to secure favorable action on said report and said project.

CHAPTER 21.

Senate Joint Resolution No. 14—Relative to national forests situated within the State of California and requesting the war department of the United States to station and maintain federal troops in such national forests during certain months.

[Filed with Secretary of State December 24, 1911.]

National
forests in
California.

WHEREAS, There are situated within the State of California great national forests comprising in area over twenty-seven million acres; and

WHEREAS, The protection and preservation of these forests is of great benefit to the citizens of this state and of the whole United States; and

Annual
danger of
destruction
by fire.

WHEREAS, Each year during the months of July, August, and September, forest fires threaten partial or total destruction of these forests as well as other and adjoining property; and

WHEREAS, These forests are not sufficiently protected from fire during such months, now, therefore, be it

Request for
protection
by federal
troops.

Resolved by the senate of the State of California, and the assembly, jointly, That the war department of the United States be, and it hereby is, requested to station federal troops in the national forests within the State of California during the months of July, August, and September each year for the purpose of preventing and fighting forest fires and protecting such national forests; and be it further

Resolved, That our senators and representatives in congress be respectfully urged to use all honorable means to accomplish the above for the good of the state; and be it further

Resolved, That a copy of this joint resolution be sent to the head of the war department of the United States.

CHAPTER 22.

Senate Joint Resolution No. 16—Memorializing the congress of the United States for favorable consideration of the request of the legislature of the State of California, for investigations and surveys by the California Débris Commission under the provisions of an act of congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation.

[Filed with Secretary of State December 24, 1911.]

Injurious
conditions
in river
systems of
San Joaquin
valley.

WHEREAS, Conditions injuriously affecting vast areas of valuable land adjacent to, and the interests of commerce and navigation in, the river systems of the San Joaquin valley, within the power of the California Débris Commission to correct under

the provisions of an act of congress, approved March 1st, 1893, creating said commission and defining its duties, are identical with those existing in the river systems of the Sacramento valley and require like remedial treatment; and

WHEREAS, The Sacramento and San Joaquin rivers, form a delta, common to both, and by connecting water ways, their flood waters mingle, frequently involving great damage to property and to navigation; and

Floods in delta of the Sacramento and San Joaquin rivers.

WHEREAS, The work involved and plans contemplated in said rivers and said delta, under the requirements of said act, should be coördinated into one harmonious project; and

WHEREAS, The report of said commission made in accordance with the requirements of said act, including maps and containing a project together with estimate of the cost thereof, for the relief from floods in the Sacramento valley, transmitted to the congress of the United States by the secretary of war, June 25th, 1911, and approved and recommended by him for adoption by congress, now designated as House Document No. 81, sixty-second congress, first session, applies only to the Sacramento river conditions, and said commission strongly urges "that work begin at once and provision be made for its early completion"; and

WHEREAS, As delay in treating these conditions in the river systems of the Sacramento valley has greatly added to the injury done as well as to the cost of the proposed project, the same results will follow delay in treating like conditions in the river systems of the San Joaquin valley; and

Damage from delay of remedial work.

WHEREAS, As investigations and surveys are required preliminary to the making of a report by said commission on said river systems in the San Joaquin valley, it is of the utmost importance that such investigations and surveys be commenced without unnecessary delay; and

WHEREAS, As said remedial work necessary in said river systems and said delta make the problem a vital one pressing for an early solution, the legislature of the State of California has by appropriate legislation adopted the project contained in said report, and has in other ways indicated its willingness to cooperate with the United States, in furtherance of this great work; therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That the legislature of the State of California, in extraordinary session assembled, memorializes the congress of the United States, for such legislation and direction, as will provide for such investigations and surveys by the California Débris Commission under the provisions of said act, thereby hastening the preparation and making of the report on a project for the relief from floods in the San Joaquin valley and said delta and for improvements in aid of commerce and navigation: be it further

Congress memorialized for action for relief from flood conditions.

Resolved, That our senators and representatives in congress be and they are hereby requested to use all honorable means to

secure favorable consideration of this memorial; and be it further

Resolved, That duly authenticated copies of this memorial be transmitted by the governor of the State of California, to the senate and house of representatives of the United States, the secretary of war, the chief of engineers, United States army, the California Débris Commission, and to each of our senators and representatives in congress.

CHAPTER 23.

Assembly Joint Resolution No. 6—Relative to California Redwood Park.

[Filed with Secretary of State December 24, 1911.]

Government
lands con-
tiguous to
California
Redwood
Park.

WHEREAS, In the year 1902, in the interest of the California Redwood Park, the government of the United States withdrew certain government lands contiguous to said park in San Mateo and Santa Cruz counties;

WHEREAS, The present secretary of the interior has requested to know why these said withdrawn lands should not be restored as the part of a public domain, subject to public entry;

WHEREAS, The nature-loving people of the State of California, in convention assembled, deem it of the highest importance to and in the best interests of the said California Redwood Park that these said withdrawn lands should now become a part and portion of said park;

Request for
grant to
the state.

Resolved by the assembly and senate, jointly, That our senators and representatives in congress be, and each of them is, requested to do all in his power to get an act passed through congress at the present session, granting said lands to the State of California, to be added to the California Redwood Park.

Resolved, That the governor of California be and is hereby requested to transmit a certified copy of these resolutions to the president and the speaker, respectively, of the senate and house of representatives of the congress of the United States, and to each of our senators and representatives in congress.

CHAPTER 24.

Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the legislature of the State of California.

[Filed with Secretary of State December 24, 1911.]

Final
adjournment.

Resolved by the senate, the assembly concurring, That the thirty-ninth (extra) session of the legislature of the State of California adjourn *sine die* at twelve o'clock, meridian, Sunday, December 24, 1911.